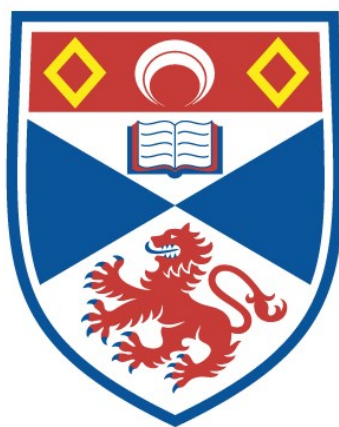


**PEOPLE AND PARLIAMENT IN SCOTLAND,
1689-1702**

Derek John Patrick

**A Thesis Submitted for the Degree of PhD
at the
University of St Andrews**



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People and Parliament in Scotland 1689 – 1702

Submitted by Derek John Patrick

for the Degree of Ph.D.

in the University of St. Andrews

August 2002



Suppose I take a spurt, and mix
Amang the wilds o' Politics –
Electors and elected –
Where dogs at Court (sad sons o' bitches!)
Septennially a madness touches,
Till all the land's infected ?^o

^o *Poems and Songs of Robert Burns*, J. Barke (ed.), (London, 1960), 321. Election Ballad at Close of Contest for Representing the Dumfries Burghs, 1790, Addressed to Robert Graham of Fintry.

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DECLARATION

- (i) I, Derek John Patrick, hereby certify that this thesis, which is approximately 110,000 words in length, has been written by me. that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

Date 7/8/02

Signature of Candidate

- (ii) I was admitted as a research student in September 1997 and as a candidate for the Degree of Doctor of Philosophy in August 2002; the higher study for which this is a record was carried out in the University of St. Andrews between 1997 and 2002.

Date 7/8/02

Signature of Candidate

- (iii) I hereby certify that the candidate has fulfilled the conditions of the Resolution and Regulations appropriate for the Degree of Doctor of Philosophy in the University of St. Andrews and that the candidate is qualified to submit this thesis in application for that degree.

Date 4/A7/02

Signature of Supervisor

- (iv) In submitting this thesis to the University of St. Andrews I understand that I am giving permission for it to be made available for use in accordance with the regulations of the University Library for the time being in force. subject to any copyright vested in the work not being affected thereby. I also understand that the title and abstract will be published, and that a copy of the work may be made and supplied to any bona fide library or research worker.

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ABBREVIATIONS

Agnew, <u>Sheriffs</u>	Sir A. Agnew, <u>A History of the Hereditary Sheriffs of Galloway</u> , (Edinburgh, 1864).
<u>APS</u>	<u>Acts of the Parliaments of Scotland</u> , Vols. IX – X, T. Thomson (ed.), (Edinburgh, 1822 – 1823).
Balcarres	Colin Lindsay, third earl of Balcarres, <u>Memoirs Touching the Revolution in Scotland, 1688 – 1690</u> , Lord Lindsay (ed.), (Bannatyne Club, 1841).
<u>Carstares SP</u>	<u>State Papers and Letters Addressed to William Carstares</u> , J. McCormick (ed.), (Edinburgh, 1774).
<u>Company of Scotland</u>	G. P. Insh, <u>The Company of Scotland Trading to Africa and the Indies</u> , (London, 1931).
Crossrig	Sir David Hume of Crossrig, <u>A Diary of the Proceedings in the Parliament and Privy Council of Scotland</u> , (Bannatyne Club, 1828).
Fraser, <u>Annandale</u>	Sir W. Fraser, <u>The Annandale Family Book</u> , II Vols., (Edinburgh, 1894).

Fraser, <u>Melvilles</u>	Sir W. Fraser, <u>The Melvilles. Earls of Melville, and the Leslies, Earls of Leven</u> , III Vols., (Edinburgh, 1890).
Fraser, <u>Pollok</u>	Sir W. Fraser, <u>Memoirs of the Maxwells of Pollok</u> . II Vols., (Edinburgh, 1863).
<u>Haldanes</u>	Sir J. A. L. Haldane, <u>The Haldanes of Gleneagles</u> , (Ed- inburgh, 1929).
Holmes, <u>Great Power</u>	G. Holmes, <u>The Making of a Great Power, Late Stuart and Early Georgian Britain 1660 – 1722</u> , (New York, 1993).
<u>Leven and Melville Papers</u>	<u>Letters and State Papers Chiefly Addressed To George, Earl of Melville, 1689 – 1691</u> , W. Leslie Melville (ed.), (Bannatyne Club, 1843).
NAS	National Archives of Scotland, Edinburgh.
NLS	National Library of Scotland, Edinburgh.
Plumb, <u>Political Stability</u>	J. H. Plumb, <u>The Growth of Political Stability in Eng- land 1675 – 1725</u> , (London, 1967).

<u>Proceedings</u>	<u>An Account of the Proceedings of the Estates of Scotland, 1689 – 1690</u> , II Vols., E. W. M. Balfour-Melville (ed.), (Scottish History Society, 1954 – 1955).
Riley, <u>King William</u>	P. W. J. Riley, <u>King William and the Scottish Politicians</u> , (Edinburgh, 1979).
<u>RPCS</u>	<u>Register of the Privy Council of Scotland</u> , Third Series.
<u>Seafield</u>	<u>Seafield Correspondence From 1685 to 1708</u> , J. Grant (ed.), (Scottish History Society, 1912).
<u>SHR</u>	<u>Scottish Historical Review</u> .
Young, <u>Commissioners</u>	M. D. Young (ed.), <u>The Parliaments of Scotland, Burgh and Shire Commissioners</u> , II Vols., (Edinburgh, 1992 – 1993).

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Over the past four years I have benefited from the support of a number of people. Particular thanks go to my supervisor, Professor Keith Brown, who gave me the opportunity to write this thesis, and proved a constant source of advice and encouragement. I am similarly indebted to my colleagues on the Scottish Parliament Project – Dr. Alan MacDonald, Dr. Roland Tanner, Dr. Pamela Ritchie, Dr. Gillian MacIntosh, Alison McQueen and especially Dr. Alastair Mann, who read various drafts of each chapter, making numerous helpful contributions. In addition, I am grateful to Dr. Roger Mason for his advice concerning later seventeenth-century political thought. The staff of the National Archives of Scotland, the National Library of Scotland and the University of St. Andrews Library deserve special mention, for their patience, guidance and assistance over the past few years. Likewise, the administrative staff of St. Katharine's Lodge have efficiently dealt with my frequent queries without complaint. However, I owe the greatest debt to my family. My late grandmother, Helen Scott, was largely responsible for introducing me to Scottish history at an early age, an interest enthusiastically encouraged by my parents – Janet and Ian Patrick. From the beginning they have provided financial and emotional support, and without their immeasurable contribution this thesis could not have been possible.

ABSTRACT

In Scotland the Revolution of 1688 – 1689 has received little academic attention – considered little more than an adjunct of events in England. Traditionally, the political elite have been seen as reluctant to rebel, the resulting Convention Parliament containing few committed protagonists – the reaction of most determined by inherent conservatism and the overwhelming desire to preserve their own interest and status. Motivated essentially by self-interest and personal gain, the predominance of noble faction crippled Parliament – a constitutionally underdeveloped institution – which became nothing more than a platform for the rivalry and ambition of the landed elite. However, this interpretation is based on the dated notion that Scottish history can be considered as simply a protracted power struggle between a dominant territorial nobility and a weak monarch, intent on centralising authority. Nonetheless, the aim of the thesis is not to rewrite the political history of the Revolution or to chart the constitutional development of Parliament – although both aspects form part of the general analysis. Instead, this is principally a thematic study of the membership of the Convention Parliament and what they achieved, in terms of legislation and procedure. Taking into account the European context, including a thorough membership analysis, and revising the practical aspects of the Revolution settlement, it is possible to offer a fresh account of contemporary politics. Introducing the extensive contest that characterised the general election of 1689, and the emergence and progress of court and country politics through 1698 – 1702, study reveals the continuing development of an inclusive party political system similar to that evident in England. In this respect, the objective of the thesis is to address the main themes associated with the Revolution and Convention Parliament, providing an alternative, more accurate interpretation of the Scottish Revolution experience.

INTRODUCTION

The Scottish Revolution

On 5 November 1688, William, Prince of Orange, Stadholder of the Dutch Republic and James VII's nephew and son-in-law, landed at Torbay in Devonshire, commanding an invasion force in excess of 15,000 men that included a large émigré contingent of English and Scottish exiles.¹ On the invitation of the 'Immortal Seven', William declared that the expedition was intended for no reason but to have a free and lawful Parliament assembled as soon as possible, to secure the Protestant religion, and maintain the established laws, liberties and customs of England.² There is no indication that he was determined to seize the throne – although it is likely that this was his intention – deliberately avoiding any overt reference to usurping his father-in-law's authority – Orange propaganda questioning the legitimacy of the Catholic heir – Prince James Francis Edward – asserting Princess Mary's rightful place in the succession.³ From the European perspective, the likelihood that a Roman Catholic Stewart dynasty would withdraw Britain from the beleaguered Protestant camp, disrupting the precarious balance of power, was a genuine concern for the Orange interest. Nonetheless, fate intervened causing William to reconsider his dynastic ambitions. James left London on 17 November, joining his forces at Salisbury two days later. However, crippled with indecision, internal dissension, defection and foul weather, the King re-

¹ R. Beddard, *A Kingdom without a King*, (Oxford, 1988), 21. The most prominent Scots were George, fourteenth earl of Sutherland; David Melville, third earl of Leven; Archibald Douglas, first earl of Forfar; Henry Erskine, third lord Cardross; George, fourth lord Melville; John, eighth lord Elphinstone; Robert, third lord Colville; Sir James Dalrymple of Stair, 1st Bt.; Andrew Fletcher of Saltoun; James Johnston of Wariston; James Stewart; and the ministers Gilbert Burnet; Robert Ferguson and William Carstairs.

² Ibid., 17; M. Kishlansky, *A Monarchy Transformed, Britain 1603 – 1714*, (London, 1996), 279; Holmes, *Great Power*, 185. The seven political and religious dissidents were Thomas Osborne, first earl of Danby; Charles Talbot, twelfth earl of Shrewsbury; William Cavendish, fourth earl of Devonshire; Richard, second viscount of Lumley; Henry Compton bishop of London, Edward Russell and Henry Sidney.

³ Holmes, *Great Power*, 185.

treated to the capital, arriving at Whitehall on 26 of the month. There, James summoned a 'Great Council' attended by all the peers remaining in London, who advised him to call a free Parliament, issue a general pardon to the Prince of Orange and his supporters, and name commissioners to negotiate a settlement. These measures failed to resolve the *impasse*, and by the beginning of December the King had resolved to flee.

Having ensured his wife and son were safe aboard a ship bound for France, James ordered the disbandment of his forces, burned the writs for a parliamentary election, and on 11 December abandoned London, throwing the great seal of England into the Thames in an effort to frustrate any attempt to establish a provisional government. William, encouraged by the news of the King's departure, recognised that the vacant throne was now a realistic prospect. Nevertheless, his ambition was threatened with James's unexpected capture and temporary return to London on 16 December – his entrance meeting with general enthusiasm. The next day, the Prince of Orange summoned the political elite – in effect a group of eleven Orangist peers selected by the Prince – to ask '...what was fit to be done upon the King's being come to Whitehall...' ⁴ Following some deliberation, it was resolved to advise James to leave London for his own safety – the Prince dispatching three battalions of foot guards and some cavalry to support his recommendation. In response, James asked that he be allowed to remove to Rochester rather than Ham – the duchess of Lauderdale's villa on the Thames – the location stipulated in William's order. Conscious that Rochester was a more favourable place from where to escape to France, the Prince of Orange agreed to the King's request. On the morning of 23 December 1688, William allowed James

⁴ R. Beddard, A Kingdom without a King, (Oxford, 1988), 56.

to escape – ordering his Dutch guards ‘...to relax their vigilance, especially at the back of Sir Richard Head’s house, which faced the Medway, and even furnished the duke of Berwick with blank passports to carry to his father’.⁵ His withdrawal removed the main obstacle to William’s securing the throne. On 26 December, the Prince summoned a meeting of the predominantly Whig members of the Parliaments of Charles II – ignoring the Tory membership of James’s ‘Loyal Parliament’ of 1685. Those present concluded that ‘...the government of the Kingdome was extinct in a manner...’ through James’s flight – asking that William of Orange issue circular letters for electing a Convention and assume direction of the government until the Convention met on 22 January 1689.⁶ Consequent events require little further elucidation, William and Mary accepting the throne on 13 February – the Glorious Revolution was brought to a successful conclusion, becoming a cornerstone of Whig historical thought throughout the eighteenth and nineteenth centuries.⁷

In Scotland the Revolution has no comparable historiography – most historians prepared to acknowledge – not without justification – that the Scottish settlement was an adjunct of events in England.⁸ Taking their lead from proceedings in England, on 24 December, the council addressed the Prince urging him to call a free Parliament, the greater part of the Scottish political elite then either in or on their way to London. There, in early January, they formally asked William to assume the administration of the kingdom and summon a Convention – the fundamental fact that James had fled by

⁵ Ibid., 64.

⁶ Ibid., 65.

⁷ For discussion of the English Convention’s negotiation of the Revolution settlement and debate concerning the nature of the Revolution see chapter seven.

⁸ W. A. Speck, ‘Some Consequences of the Glorious Revolution’, in D. Hoak and M. Feingold (eds.), The World of William and Mary – Anglo-Dutch Perspectives on the Revolution of 1688 – 1689, (1996), 31. Speck argues that ‘...English resistance to James II was crucial to the success of the Revolution in all three kingdoms’.

now a reality. However, if one theme is apparent in the few works to consider the Scottish Revolution it is that the political elite have invariably been represented as reluctant revolutionaries – their reaction determined by inherent conservatism and an overwhelming desire to preserve their own interest and status.⁹ For example, I. B. Cowan contends that even the landing at Torbay ‘...brought no immediate reaction from politicians who wished to assure their own positions before committing themselves to a new master’.¹⁰ Likewise, B. P. Lenman has argued that despite James’s Catholicising policies alienating the bulk of political society, the elite were not prepared to commit to William, the establishment of effective government owing a great deal to the nobility ‘...not so much because of what they did, as because of what they chose not to do’.¹¹ This is in keeping with the prevailing view of the Convention Parliament. For most the Convention contained few committed protagonists, the settlement dependant on the large number of waverers.¹² This is based on the belief that King James’s letter to the estates on 16 March irreparably damaged his interest. In comparison to the conciliatory tone of William’s letter, James’s – almost certainly drafted by his secretary of state, John Drummond, first earl of Melfort – was written in a hectoring, belligerent style, proposing to ‘...pardon all such as will return to their dutie before the last day of this moneth inclusive...’, promising to ‘...punish with the rigor of Our Lawes all such as shall stand out in rebellione against us and our Authority...’¹³ The source of this interpretation is the narrative of the Jacobite commentator Colin Lindsay, third earl of Balcarres, who considered that ‘...all our hopes of suc-

⁹ I. B. Cowan, ‘The Reluctant Revolutionaries: Scotland in 1688’, in E. Cruickshanks (ed.), By Force or By Default? The Revolution of 1688 – 1689, (1989), 65-81.

¹⁰ *Ibid.*, 69.

¹¹ B. P. Lenman, ‘The Scottish Nobility and the Revolution of 1688 – 1690’, The Revolutions of 1688, R. Beddard (ed.), (Oxford, 1991), 146.

¹² W. Ferguson, Scotland, 1689 to the Present, (Edinburgh, 1994), 2; I. B. Cowan, ‘Church and State Reformed? The Revolution of 1688 – 1689 in Scotland’, in J. I. Israel (ed.), The Anglo-Dutch Moment: Essays on the Glorious Revolution and Its World Impact, (1991), 164-165; P. Hopkins, Glencoe and the End of the Highland War, (Edinburgh, 1986), 127.

¹³ APS, IX, 8.

ceeding in the convention vanished, nor was ever seen so great an alteration as was observed at the next meeting after your letter was read...'¹⁴ However, historians have failed to recognise the obvious enmity between Balcarres and Melfort – the former holding the latter responsible for his imprisonment.¹⁵ In contrast, a less partisan contemporary recorded that King James's letter '...had little effect upon [the estates]...'¹⁶ In this respect, the notion of Scottish political conservatism has at best a rather insecure foundation.

The most obvious exception to the above is P. W. J. Riley – author of the only monograph study of Scottish Revolution politics – asserting that from the beginning, the Convention was Williamite and anti-Episcopalian.¹⁷ Nonetheless, his analysis is far from complimentary, drawing heavily on traditional accounts of the Scottish nobility and Parliament. For Riley, the landed elite was motivated by self-interest and personal gain – religious and dynastic considerations playing no part in determining their reaction to the Revolution.¹⁸ To all intents and purposes, the predominance of noble faction crippled Parliament, which became little more than a platform for the rivalry and ambition of the political elite – the absentee Dutch monarch incapable of managing his northern subjects, his reign stumbling from defeat at Killiecrankie, to the massacre of Glencoe, the lean years of famine and the Darien debacle.¹⁹ However, as mentioned, this is dependent on the dated impression that Scottish history can be consid-

¹⁴ Balcarres, 28.

¹⁵ Ibid., 37-38.

¹⁶ N. Luttrell, A Brief Historical Relation of State Affairs From September 1678 to April 1714, Vol. I, (Oxford, 1857), 514-515.

¹⁷ Riley, King William, 8.

¹⁸ R. Mitchison, Lordship to Patronage, Scotland 1603 – 1745, (Edinburgh, 1983), 117; B. P. Lenman, The Scottish Nobility and the Revolution of 1688 – 1690, The Revolutions of 1688, R. Beddard (ed.), (Oxford, 1991); P. Hopkins, Glencoe and the End of the Highland War, (Edinburgh, 1986), 121; Brown, Kingdom or Province? Scotland and the Regal Union 1603 - 715, (London, 1992), 171-173. While, Riley is not solely responsible for the predominant notion of landed self-interest, he is by far the most explicit critic.

¹⁹ Riley, King William, 2.

ered in general terms, a protracted power struggle between an almost invulnerable territorial elite and a weak monarch, intent on centralising authority. Likewise, the Scottish Parliament has been subject to decades of criticism and neglect. For C. S. Terry and R. S. Rait the Parliament was a limited, constitutionally underdeveloped institution with few redeeming features – backward in comparison to the much-vaunted English Parliament.²⁰ Nevertheless, taking into account current revisionism and the favourable re-evaluation of comparative European assemblies, there is no reason to suppose that the later seventeenth-century Scottish Parliament is an exception to this trend.

Nonetheless, this thesis is not an express attempt to rewrite the political history of the Revolution or to chart the constitutional development of Parliament – although both aspects form part of the general analysis.²¹ Instead this is principally a thematic study of the membership of the Convention Parliament and what they achieved, in terms of both legislation and procedure. Beginning with a review of European estates, the Scottish Parliament is placed in a broader context, addressing traditional Whig historiography and the theme of absolutism, summarising some of the recent developments in parliamentary studies. The following three chapters are part of an inclusive membership analysis covering the period 1689 – 1697. The chronological frame ranges from the general election to the rise of the country party, distinguished by the King's attempt to govern through the émigré interest – the subsequent period characterised by prolonged, organised opposition. Chapter two considers the parliamentary peerage, concentrating on the notion of a general financial crisis, and the associated erosion of

²⁰ C. S. Terry, The Scottish Parliament, Its Constitution and Procedure, 1603 – 1707, (1905); R. S. Rait, The Parliaments of Scotland, (1924).

²¹ Considering its limitations, Riley's work provides a reasonably accurate account of the actual chronological events.

traditional status and influence, in an attempt to establish how this affected their role in regional politics – if at all. Chapter three reflects on the burghs, extending analysis to include an overview of 1685 – 1688, some appreciation of James's reign and the unparalleled level of crown intervention necessary to entirely comprehend consequent electoral procedure. For the first time in the history of the Scottish Parliament all Protestant burgesses were given a vote, resulting in unprecedented participation and local contest – reconstructed utilising formerly neglected parliamentary commissions and burgh council minutes. From the record it is possible to establish consistent conflict between Revolutioner and Jacobite candidates reminiscent of the two party system commonly associated with England – electoral politics providing an opportunity to study the allegiance of those returned to Parliament, and in addition, serve as an insight into the organisation of local society. Likewise, chapter four uncovers a similar occurrence in the shires, the contribution of the landed elite proving crucial to the success of the Revolution in Scotland. These themes are developed in chapters five and six. Concentrating on the period 1698 – 1702 and the origins and progress of court and country politics, study reveals the continuing development of a comprehensive party system. Drawing on correspondence and supplementary parliamentary papers, the chapters give account of extensive preparation, an interim electoral campaign, cohesive leadership and pragmatic policies – some distance from the faction driven politics identified by Riley. The final chapters deal with practical aspects of the Scottish Revolution settlement. What shaped the settlement and was it contractual? In addition, from a legislative perspective, what did the Convention Parliament achieve? Taking the Parliament session by session, categorising legislation by type, can the reputation of the estates be restored? In conclusion, chapter eight tackles the abolition of the lords of the articles and the subject of committee procedure – considered the

single most important procedural innovation associated with the Parliament. From surviving committee papers it is possible to produce relevant statistics concerning attendance, membership, internal organisation and the committee's role in government, assessing the extent of the accomplishment traditionally ascribed to the Convention Parliament. Not a complete account of the Scottish Revolution experience, what follows is an attempt to better understand the political elite's response to the unprecedented events that culminated in the settlement of the throne on the Prince and Princess of Orange – paying particular attention to the general election of 1689. This is extended to chart the continuing development of a party political system throughout the period 1689 – 1702, concluding with analysis of the Parliament's legislative record. In this respect, the objective of the thesis is to address the main themes associated with the Revolution and later seventeenth-century Parliament, providing an alternative – more favourable – interpretation.

CHAPTER 1

The European Context 1689 – 1702

The history of Europe's estates in the period 1689 to 1702 is inextricably linked with the ideology of absolutism. Traditionally, the period has been seen as marking the decline of the estates – described as outdated and hopelessly inadequate – in the face of modernising, absolutist monarchs. What follows, is an attempt to assess this theory, through the study of a broad cross-section of European diets. How did these institutions react to the pressures of war, taxation, and composite monarchy, and what characterised their relationship with absolute rulers. In this respect, it is also necessary to revise the notion of absolutism, which in itself seems rather ambiguous and somewhat inadequate. By and large, the composition of the various estates, which was extremely diverse, has only been mentioned when appropriate, with emphasis being placed on the respective institutions role in internal, and to some extent, external politics. Finally, this revision has been extended to the Scottish Parliament, in order to compare and contrast its role with European contemporaries, and establish a more balanced picture of an often-criticised body.

Over the last two decades, the historiography relating to the Cortes of Habsburg Spain has undergone significant revision. However, while this is true in the broader sense, some areas have enjoyed more attention than others. The Spain of this period was far from a coherent unitary state. Spain consisted of the crowns of Aragon and Castile, contained at least ten representative institutions, and something like a score of royal titles.²² Of all these possessions, Castile was by far the dominant. 'The King was born

²² I. A. A. Thompson, 'Absolutism in Castile', in J. Miller (ed.), Absolutism in Seventeenth-Century

in Castile, resided in Castile, maintained his court and councils in Castile, and seemed to most of his subjects to be nothing but a Castilian'.²³ For this reason, the Cortes of Castile have enjoyed something like a monopoly of historical research, while institutions like the Cortes of Navarre have only received superficial attention. On the other hand, it can certainly be argued that Castile has proved an interesting case study, and in many respects seems more suited to revision. This stems from the fact that Castile has traditionally been viewed as the most subservient of the Habsburg kingdoms, and certainly in Spanish terms the first to succumb to absolutism.²⁴ However, the myth of Castilian absolutism is no modern invention, and some notion of the entrenched nature of this belief, can be provided by the fourteenth century King of Aragon, who contrasted the liberty of the Aragonese with the subjection of Castile.²⁵ What follows then, is an attempt to provide a balanced and objective view of the Spanish Cortes. If this should enforce the image of Castile as the centre, with Aragon, Catalonia and Portugal as the periphery, this is due to the state of current historical research, and not the result of any conscious effort.

As mentioned, the Castilian Cortes have been traditionally viewed as the weakest and least developed of the several Spanish Cortes, and it is therefore all the more surprising, and perhaps enlightening, to consider the fact that they are now depicted as the most progressive and politically influential.²⁶ The view that the Cortes attained their peak in the thirteenth and fourteenth centuries, and that the battle of Villalar in 1521,

Europe, (1990), 70. The Spanish empire also included the Portuguese crown between 1580 – 1640.

²³ Ibid., 70.

²⁴ A. R. Myers, *Parliaments and Estates in Europe to 1789*, (1975), 97.

²⁵ I. A. A. Thompson, 'Absolutism in Castile', in J. Miller (ed.), *Absolutism in Seventeenth-Century Europe*, (1990), 70.

²⁶ C. Jago, 'Crown and Cortes in Early-Modern Spain', *Parliaments, Estates and Representation*, 12, (1992), 177.

which saw the nobility reconciled with the crown, and the 'townsmen'²⁷ crushed, seems to be something of a misconception. For example I. A. A. Thompson claims that the Castilian Cortes of the seventeenth century were far more important than those before 1590.²⁸ This argument, like most revisionist theory in this context, is based on a reassessment of Castile's financial relations with the crown.

As was the case in most other European countries, the almost constant warfare that characterised the seventeenth century, acutely affected the relationship between the Spanish crown and the Cortes. For example the Thirty Years' War (1618-1648) proved an almost constant strain on Spanish wealth and manpower. As the wealthiest of the Spanish Habsburg possessions, Castile bore the brunt of this burden. However, elsewhere in Europe, as monarchs attempted to expand their fiscal powers, they were challenged by institutions like the English Parliament, the French *Parlements*, and the Estates General of the Low Countries. This tradition of resistance seems to have been absent in Castile, a fact that is all the more surprising as throughout this period besides heavy taxation, Castile suffered recurring outbreaks of plague and famine. Nevertheless, this view seems to be inextricably linked to the notion of Castilian decline, a notion that cannot be reconciled with more recent historical research.

I. A. A. Thompson contends, that '...after 1600, the King's prerogative in Castile was more constricted by his formal, signed, contractual obligations to the Cortes than in

²⁷ The defeat of the *Comuneros* revolt in 1521, is usually regarded as the end of urban opposition to Habsburg absolutism, while the year 1538 saw both the clergy and nobility expelled from the Cortes. The remaining representation was provided by two *procuradores* from each of the eighteen cities enjoying direct representation. From this juncture the Cortes have been seen as so unrepresentative and emasculated that they became easily manipulated and somewhat superfluous, with all power in the hands of the crown

²⁸ *Ibid.*, 180.

any other monarchy outside Poland'.²⁹ As mentioned this concept rests largely upon fiscal evidence, but in this context, it would prove impossible to do full justice to this argument. For this reason, it is necessary to be specific, and as most historians view the *milliones* - the extraordinary subsidy first conceded by the Cortes in 1590 - as the transforming moment in Castilian parliamentary history this seems a logical place to begin.³⁰ It is argued that the *milliones*, renewed in 1601 shifted the balance of political power from the monarchy into the hands of the Cortes and cities. This analysis is based on the fact that the *milliones* of 1601 more closely resembled a system of national taxation administered by the Cortes unifying Castile fiscally, while perhaps more importantly, the thirty conditions required to become law before the agreement took effect, established a more contractual relationship between crown and Cortes.³¹ However, this should not give the impression that there is anything approaching unanimity among contemporary historians. Most notably, C. Jago has criticised this view as an overstatement, but he too concedes that the *milliones* set the stage for a '...prolonged period of constitutional debate...'³² Jago stresses the fundamental difference between principal and practice, and shows how the crown, from the outset of the *milliones* resorted to whatever means to justify intervention. This tug of war seems to have remained constant throughout the reign of Philip III and well into that of his

²⁹ I. A. A. Thompson, 'Absolutism in Castile', in J. Miller (ed.), *Absolutism in Seventeenth Century Europe*, (1990), 81.

³⁰ C. Jago, 'Crown and Cortes in Early-Modern Spain', *Parliaments, Estates and Representation*, 12, (1992), 180.

³¹ As mentioned, it seems that most revisionist historians share the opinions of I. A. A. Thompson and agree wholeheartedly with this view. For example Juan Luis Castellano notes that "... no aspect of national life, with the exception of high politics, escaped these conditions ... which grew in number from subsidy to subsidy until the disappearance of the Cortes. In effect, the political behaviour of the crown became constitutionally conditioned by the terms of the *milliones*". Juan Luis Castellano, *Las Cortes de Castilla y Su Diputacion (1621-1789). Entre Pactismo y Absolutismo*, (1990), 58-59. This translation was found in C. Jago, 'Parliament, Subsidies and Constitutional Change in Castile, 1601-1621', *Parliaments, Estates and Representation*, 13, (1993), 125.

³² C. Jago, 'Parliament, Subsidies and Constitutional Change in Castile, 1601-1621', *Parliaments, Estates and Representation*, 13, (1993), 123.

successor Philip IV,³³ with the crown enjoying significant successes through the indirect control of the parliamentary commissioners. Likewise, it seems that the Cortes never really exercised meaningful control over the expenditure of the *milliones*. Despite the contractual precedence for this, it appears that the crown did not view the *milliones* as mutually binding. This is illustrated by the senior procurator from Burgos, who at the Cortes of 1617 claimed that monies destined for the defence of Castile are ‘...consumed in the Flanders’ wars and in the sustenance of the houses of those German Princes who are dependants of the serene House of Austria, and, what is more to be admired, in the new upheavals and rebellions in Chile and the Philip-pines’.³⁴ However, although non-compliance over financial issues was rife, it seems that many other conditions attached to the *milliones* were met, and although the record is mixed, the Cortes and cities gained many tangible benefits, like increased authority over local justice.³⁵

What is materialising is not so much a simplistic and linear depiction of Castilian decline, but a more complex picture covering a number of issues. It may well be the case that historians like Thompson have concentrated on more theoretical issues, while failing to fully consider the practicalities or administration of the *milliones*. However, the ‘mechanical’ approach adopted by Jago seems just as damaging to traditional opinion. While perhaps not introducing sweeping constitutional change, the *milliones* in a more gradual sense seem to have altered the relationship between crown and Cortes,³⁶ and certainly emphasise that as an institution of some importance they were not

³³ Ibid., 130.

³⁴ Ibid., 134.

³⁵ Ibid., 135.

³⁶ Ibid., 136.

given the *coup de grace* in 1521.³⁷ On the other hand, it is necessary to remember that the strength of the Castilian Cortes appears administrative rather than political.

Nonetheless, the fact that the Cortes disappeared in 1665 is inescapable. Although of late they have been viewed in a somewhat different light, surely their disappearance in 1665 would mark the ultimate victory of absolute monarchy in Castile? At first glance this may seem to be the logical conclusion, but it has been argued that the Cortes disappeared precisely at the moment when monarchy was at its weakest in Spain for around one hundred and fifty years.³⁸ Surely then, the recently crowned Charles II could not have succeeded where his predecessors had failed, and therefore the Cortes disappearance can not be explained simply in terms of absolutism. For Thompson, the reasons, perhaps ironically, stemmed from the strength of the Cortes in comparison to a weak monarch. Bearing in mind the unsettled political situation,³⁹ the Cortes who had proved themselves, ‘...obstreperous, time-consuming and unprofitable...’ in the past, may have proved too difficult to handle.⁴⁰ However, the failure to call the Cortes seems to be a much more general phenomenon, not only affecting Castile. For example, the Cortes of Navarre did not meet between 1662 and 1677, those of Valencia

³⁷ Fiscal and constitutional arguments aside, it could be argued that the naivety of this theory was proven by the Cortes of 1576. An attempt by Philip II to increase the *encabezamiento general* - the price paid by the municipalities of Castile for the right to collect their own sales tax - was met by intransigence on the part of the *procuradores*, who with prior instruction from their respective cities refused to grant either of their traditional subsidies. They challenged the crown at all parliamentary levels, and in this instance succeeded in making the redress of various grievances a condition of supply. The result was not only a reduction in the increase of the *encabezamiento*, ‘...by their willingness to battle with the crown, the deputies attending this parliament made the Cortes an institution to be reckoned with in Castilian politics’. C. Jago, ‘Philip II and the Cortes of Castile: The Case of the Cortes of 1576’, *Past and Present*, 109, (1985), 42.

³⁸ I. A. A. Thompson, ‘The End of the Cortes of Castile’, *Parliaments, Estates and Representation*, 4, (1984), 133.

³⁹ In 1667, the King, Charles II, was only five years old, and his mother the Queen-Regent Mariana suffered from the significant ailments of being both female and foreign. This has to be viewed in the context of military defeat in Portugal, and the French invasion of the Dutch Republic. Closer to home, the king’s illegitimate half brother, Don Juan Jose de Austria had re-emerged on the political scene, and seems to have enjoyed a fair degree of support in Aragon, which further upset political stability.

⁴⁰ *Ibid.*, 127.

never met after 1645, while in Aragon the Cortes met in 1677 after a thirty-one year gap. This may emphasise the weakness of the crown, and echo the apparent situation in Castile, however, in the long run it seems that the cities were the main beneficiaries of the Cortes decline. In Castilian terms, the willingness of the cities to renew the *milliones* outside the Cortes sealed the latter's fate. However, the Cortes disappearance did not mark the disappearance of their functions, and all that changed was '...the theatre in which those functions were performed'.⁴¹ All in all, whatever the ultimate cause, the end of the Cortes of Castile cannot be seen as the result of royal absolutism. While the extent of their power, and their relationship with the crown may remain the subject of debate, it seems clear that the traditional myth of Castilian decline has very little foundation.

How do the Cortes of Aragon compare with their reappraised Castilian counterpart? In Aragon, the Cortes have been traditionally viewed '...as bulwarks of regional freedoms facing inroads from Spanish Habsburg authoritarianism'.⁴² This notion is reflected in the oath of allegiance they took to the crown, which has clear contractual overtones.

We, who are as good as you are, take an oath to you who are no better than we, as prince and heir of our kingdom, on condition that you preserve our *fueros* and liberties, and if you do not, we do not (the *fueros* being their traditional constitutional rights).⁴³

⁴¹ I. A. A. Thompson, 'The End of the Cortes of Castile', *Parliaments, Estates and Representation*, 4, (1984), 133.

⁴² X. Gil, 'Crown and Cortes in Early Modern Aragon: Reassessing Revisionisms', *Parliaments, Estates and Representation*, 13, (1993), 109.

⁴³ E. N. Williams, *The Ancien Regime in Europe, Government and Society in the Major States 1648-1789*, (1970), 67.

Why then should the Cortes of Aragon be considered in terms of independence and resistance in comparison to Castile,⁴⁴ and how accurate is this traditional interpretation? To some extent, this is most easily explained in terms of Aragon's provincial stature. In Aragon, the Cortes preserved their status as the kingdom's highest legislative organ, while in Castile this power was lost to the King and his royal council. For this reason, '...the Cortes not only dealt with fiscal matters, but also with legislative issues and, by extension, political questions in general'.⁴⁵ On the other hand, the increasing absence of the King brought with it widening gaps between successive Cortes. Between the years 1600 and 1711, the Cortes met only five times, yet royal absenteeism had a constructive effect on Aragonese political culture. X. Gil asserts that when the Cortes at last took place expectations were much higher, while feelings of distance or frustration, caused several generations of chroniclers to develop a strong constitutional movement in defence of regional rights.⁴⁶

In practice, it seems debatable whether this notion of resistance ever enjoyed significant success in the relationship between crown and Cortes. It is possible to test this theory with regard to the 'grievances' an aspect usually regarded as a cornerstone of Aragonese liberalism. In Aragon the redress of grievances before the concession of a financial subsidy was an established practice, similar to that created by the *milliones*

⁴⁴ Besides Aragon's perceived secondary status, this view may stem from a traditional interpretation of the Cortes of 1592. Philip II's secretary Perez fled to Aragon and claimed the protection of the *Justicia*, and in consequence a rising began which has been seen by some as in defence of traditional liberties. After the revolt was crushed, the king seems to have attacked some of the Aragonese *fueros*, most notably that of unanimity. 1592 has therefore been taken as the beginning of the end for the Cortes, followed in 1626 by increased financial demands and culminating in their abolition by Philip V in 1711. This linear description of decline certainly seems to support the notion of conflict and resistance.

⁴⁵ X. Gil, 'Crown and Cortes in Early Modern Aragon: Reassessing Revisionisms', *Parliaments, Estates and Representation*, 13, (1993), 119.

⁴⁶ *Ibid.*, 112.

in Castile. However, as in the later example, it seems that many of the grievances had little impact on Aragonese politics, and the crown frequently bribed individuals to withdraw them.⁴⁷ In this respect, as in the case of Castile, there seems to be fundamental differences between theory and practice. This has led some revisionist historians to minimise the differences between the various Habsburg Cortes. Although this has the benefit of bringing the Cortes of Aragon closer to a historical reality, it is also something of a generalisation.

While the above enforces the localism of Aragonese politics, this should not be interpreted in a negative sense. Localism seems to be a characteristic of many other Ancien Regime institutions. Likewise, considering these local issues is an effective means of gauging the power of the Cortes. For example, the convocation of the Cortes in 1592 has traditionally been seen as the beginning of the end for regional freedom in Aragon. However, it has been argued that the events of 1592 did not bring about significant change in the overall constitutional relationship of crown and Cortes. Gil has added that the convocation ‘...permitted the flowering of an unexpected capacity for Aragonese initiative and reaction...’⁴⁸ Although the King had successfully imposed the concept of majority voting by the notion ‘...that the majority of the estate make the estate...’⁴⁹ the need for a unanimous vote remained obligatory in four areas, the most important of which dealt with the imposition of new taxes in the kingdom. This seems to have given the Cortes ‘relative’ strength, and the difficulties facing the crown in fiscal issues are clearly reflected by the fact that in 1626, Olivares had to resort to coercive measures to make the Cortes accept the Union of Arms. In this re-

⁴⁷ Ibid., 117.

⁴⁸ Ibid., 120.

⁴⁹ Ibid., 120.

spect, while the Cortes of 1592 appear to have brought about change, it is also worth mentioning the high level of continuity. For example, the standing committee of the Cortes, the *Diputacion* survived almost intact, while it seems that courtiers and royal officials were still excluded from the Aragonese *brazos*. Similarly, there was no substitute for the Cortes, and therefore ‘...there were no taxes imposed on seventeenth century Aragon without their being discussed in the Cortes’.⁵⁰ It would seem fair to conclude, that although conflict between the Habsburgs and the Aragonese Cortes existed, it did not take on the character of an all-conquering absolutist crusade. This should not imply that the Cortes of Aragon enjoyed any more coherence than their contemporaries. However, it may be safer to take the middle ground, and place limits on both Aragonese liberties and Habsburg pretensions, but stress that in respect to the Cortes, ‘...their essential character survived, and they remained the forum par excellence for communication between King and kingdom on the great issues of legislation and fiscal policy’.⁵¹ Their survival almost certainly illustrates a level of cooperation between the King and his Aragonese subjects, while the Cortes ability to adapt ensured that they retained their role and a fair proportion of their strength.⁵²

On the other hand, although the Cortes of Catalonia have often been seen in a similar light to those of Aragon, the outcome of the perceived confrontation between crown and Cortes proved to have very different consequences, and was certainly more immediate. Historians seem to have accepted the revolution of 1640, when Catalonia placed itself under French protection, as the final act of an extended period of con-

⁵⁰ Ibid., 121.

⁵¹ Ibid., 122.

⁵² The above description of seventeenth century Aragon owes most to the following article, X. Gil, ‘Crown and Cortes in Early Modern Aragon: Reassessing Revisionisms’, *Parliaments, Estates and Representation*, 13, (1993). The adoption of a number of his theories in the above conclusion deserve special mention.

frontation between crown and Cortes. As in Castile and Aragon, such events have provided convenient, neat and apparently obvious explanations for the fate of the Cortes. It is therefore necessary to establish how far Habsburg absolutist pretensions contributed to the events of 1640, and whether the resort to rebellion marked the Cortes inability to act as a significant check on monarchy?

Catalan nationalist historians seem to regard the revolution as embodying some form of nationalist sentiment in response to the crown's disregard for the constitutions of the Principality. However, these views seem to be heavily influenced by hindsight. As in the case of Aragon, it would appear that the crown's relationship with the Cortes was maintained with little difficulty until military and fiscal demands began, with regular intensification, to affect the periphery of the Habsburg kingdom.⁵³ Bearing in mind the effect of taxation on Castile, it is little wonder a region like Catalonia, which was financially less well endowed, should resent such demands. Such an attitude seems to have heavily influenced the Cortes of 1626 and 1632, where Olivares' demands for men and money to sustain Spanish wars, were met by intransigence, and a flood of complaints against the behaviour of royal officials in Catalonia. Further, in 1632 when the Cortes were eventually reconvened after numerous delays, Philip IV delegated the presidency of the Cortes to his brother, the Cardinal-Infant Don Ferdinand. The King's absence may have been taken as a slight, as it was only after numerous conditions were granted that the Cortes accepted this appointment. However, any discontent paled in comparison with what followed. On the first day of the session, the delegates from Barcelona presented the *dissentiment*⁵⁴ that effectively

⁵³ J. L. Palos, 'The Habsburg Monarchy and the Catalan Cortes: The Failure of a Relationship', *Parliaments, Estates and Representation*, 13, (1993), 139.

⁵⁴ The dissentiment was a prerogative of the Catalan deputies which allowed them to paralyse the Cor-

blocked any chance of reconciliation. The right of Barcelona's *consellers* to wear their hats during the ceremony that had taken place for the King's brother to swear his oath as viceroy and president, a right established in 1585, had been violated.⁵⁵ This apparently trivial matter resulted in a complete stalemate, with neither crown nor Cortes willing to give way.

While this could be used as evidence relating to the outdated and inefficient nature of the Cortes, it is also indicative of their strength. 'During the sixteenth century and well beyond the beginning of the seventeenth, the Catalan Corts were undoubtedly one of the strongest representative assemblies in Europe, as shown by their capacity to defend their powers during the apogee of the monarchy'.⁵⁶ For example, it is possible to favourably compare the Catalan Cortes with the English Parliament on a number of issues. In England, the crown controlled the appointment of the main officers of the Parliament, while the Catalan *diputats* had the right to nominate all representative posts in the Cortes. Similarly the Catalans could address the monarch directly through a series of commissions, while the English members had to proceed through various written and public announcements. Most importantly, the closure of the Cortes were dependent on a number of points. While the granting of supply only after various conditions were met was not unheard of – in Castile for example, this constitutional arrangement applied to the *milliones* – in Catalonia this arrangement was not dependent on the granting of large sums of money. In this respect, J. L. Palos has argued that the decline of the Catalonian Cortes was not the result of Habsburg absolutism, but their strength was the reason for their subsequent weakness. The Catalans '...pulled so hard

tes when they considered an error of procedure had been made.

⁵⁵ J. L. Palos, 'The Habsburg Monarchy and the Catalan Cortes: The Failure of a Relationship', *Parliaments, Estates and Representation*, 13, (1993), 142.

⁵⁶ *Ibid*, Page 148.

that the rope broke.’⁵⁷ Although it is clear that the Cortes enjoyed significant powers – as was the case in Castile and Aragon – it is again necessary to stress the difference between theory and practice. The Cortes seem to have maintained the status quo rather than develop any significant constitutional theory. This however, is hardly surprising. The traditional interpretation of crown and estates as antagonistic powers seems to be an oversimplification, as both parties recognised that mutual cooperation was necessary to achieve order.⁵⁸ This is illustrated by the dilemma facing the *diputats* of Catalonia. ‘If the *diputats* took the ‘responsible’ position the monarch expected of them, the chances were that the approval of the donative would become a mere formality. That would have invalidated completely the historic significance of the Cortes. On the other hand, if they chose ‘irresponsibility’, that is to say a position of resistance to the King, they knew the King would lose interest in continuing the assembly’.⁵⁹

Contemporary Portuguese writers further reflect this concept of harmony and balance. The Portuguese Cortes are described as the ‘...gathering of the various organs of the realm and a metaphorical expression of the agreement and harmony among them’.⁶⁰ Similarly, contemporaries regarded the Cortes as ‘...a moment of fusion between the King and the realm’.⁶¹ This should not give the impression that the relationship between crown and Cortes was ideal, as conflict occurred, but it is perhaps a valuable insight into how the Cortes perceived their own role in national affairs, not as the crown’s opponents, but as partners. In relation to Portugal, as in the other Habsburg

⁵⁷ Ibid, Page 149.

⁵⁸ Ibid., 145.

⁵⁹ Ibid., 145.

⁶⁰ P. Cardim, ‘Ceremonial and Ritual in the Cortes of Portugal (1581-1698)’, Parliaments, Estates and Representation, 11, (1991), 2.

⁶¹ Ibid., 3.

dependencies, the traditional view of 'precocious' absolutism has undergone significant revision. While the ability of the Cortes to limit, in an effective way, the power of the monarch has been questioned; they were far from an incapable institution fated to disappear in 1698.⁶² Bearing in mind the Habsburgs seem to have viewed the Cortes in fiscal rather than in political terms, the Portuguese Cortes seem to have enjoyed privileges comparable with their counterparts. For example, taxation was usually couched in terms of an agreement between the King and his vassals, while the fact that the agreements were limited to periods of three years required frequent meetings of the Cortes while traditional rights and privileges seem to have been as fiercely guarded as they were in Catalonia and Aragon.⁶³

All in all, the traditional interpretation of late seventeenth early eighteenth century Spain has little or no foundation. The concept of absolutism, which in itself is worthy of further definition, does not sit well even within the confines of the most centralised Spanish possession, Castile. While the Cortes may have lacked any political power, if this was at all necessary or appropriate, they certainly had the ability to influence fiscal debate, which in the context of almost continuous war proved an effective restraint on monarchy. The composite nature of the Spanish monarchy while problematic was far from unique. However, the core and periphery model probably explains why areas like Aragon, Catalonia and Portugal experienced sporadic outbreaks of unrest. This has led to comparisons between Catalonia and similar nations like Scotland, Ireland and Hungary, issues that will be discussed in detail below.

⁶² P. Cardim, 'Politics and Power Relations in Portugal (Sixteenth-Eighteenth Centuries)', Parliaments, Estates and Representation, 13, (1993), 107.

⁶³ P. Cardim, 'Ceremonial and Ritual in the Cortes of Portugal (1581-1698)', Parliaments, Estates and Representation, 12, (1992), 5.

It is interesting to compare the experiences of the Spanish Habsburgs with those of the Austrian branch of the family. Following the death of Charles V, the Habsburg lands were effectively divided into two. Philip II succeeded to the Spanish, Dutch and Italian possessions, while Charles' brother, Ferdinand I, inherited the Habsburg Austrian and German lands, the imperial office of Holy Roman Emperor, and in 1526 the thrones of Bohemia and Hungary. While the objective of the Habsburgs was certainly to strengthen the role of the monarchy, how successful was this in an area that was even more divided than Spain. Besides the localised and fragmented nature of society, any absolutist pretensions had to take into account the fact that the threat of war was an immediate reality, rather than an unpleasant but distant event, while religious conflict was almost unheard of in Spain. With this in mind, what characterised the relationship of the Austrian Habsburgs with the estates?

Before considering the success of royal policy, it is necessary to attempt to define the nature of Austrian absolutism. As mentioned, the term seems to have been applied in a variety of different ways. For example, in Spain, absolutism seems to have taken on mostly financial overtones, while in Austria, the term seems to have been used to describe Leopold I's attempts to impose a Catholic Counter Reformation on his subjects.⁶⁴ The objectives of this policy were not solely spiritual, but can also be seen as a response to the imperative problems facing the state. Leopold saw a uniform religion as a cohesive force, acting as a unifying element in a monarchy containing so many diverse states, nations and cultures.⁶⁵ In this respect, it is possible to judge the ability of the Austrian estates by the success, or lack of success, enjoyed by mainstream royal

⁶⁴ J. Berenger, 'The Austrian Lands: Habsburg Absolutism Under Leopold I', in J. Miller (ed.), Absolutism in Seventeenth-Century Europe, (1990), 158.

⁶⁵ *Ibid.*, 159.

policy. In the past it seems that this has been viewed as a success. 'At the beginning of the eighteenth century, government circles considered that the hereditary lands were now Roman Catholic, the repressive policy having borne fruit'.⁶⁶ However, while it is generally accepted that by 1700 Protestants had been largely expelled from Bohemia, Moravia and Austria, there is a tendency to exaggerate this fact. As was the case in many other European nations, the insignificant number of Catholic priests and Jesuits, hampered the reestablishment and maintenance of Catholicism. Likewise, it would appear that the apparent success of the Counter Reformation relied heavily on the co-operation of the estates.⁶⁷ Nevertheless, this should not give the impression that the support of the Catholic estates was always readily forthcoming.

In Bohemia and Moravia, the Battle of the White Mountain in 1620, which effectively ended the Bohemian revolt and signalled defeat for the Protestant estates, seems to herald a victory for Habsburg absolutism. However, during the years of insurrection, 1618 – 20, both Moravia and Bohemia embarked on productive work, creating new constitutions, with the common interests of Bohemians and Moravians coming to the fore. This has been described as a form of 'state consciousness'; while there is a considerable body of evidence which points to progressive economic and social trends in the direction of an early capitalist society.⁶⁸ It seems there was nothing inevitable about Habsburg victory. Similarly, although the Battle of the White Mountain may have dealt a mortal blow to the hopes of Protestants, it appears that the estates maintained the bulk of their strength. This is illustrated by the fact that the estates were

⁶⁶ Ibid., 160.

⁶⁷ Ibid., 160.

⁶⁸ J. Valka, 'Moravia and the Crisis of the Estates' System in the Lands of the Bohemian Crown', in R. J. W. Evans and T. V. Thomas (eds.), Crown, Church and Estates: Central European Politics in the Sixteenth and Seventeenth Centuries, (1991), 156.

generally unwilling to restore parish rents and tithes, which had fallen into the hands of the nobility, to the Catholic clergy. 'The Bohemian estates had shown themselves in no hurry to act, once it became a case of restoring church property. On this point, the Diet successfully defended its members' interests and the sovereign's authority was severely damaged'.⁶⁹

While the estates therefore proved an obstacle to Habsburg absolutism, it would have been almost impossible for Leopold to bypass them. The almost constant threat of Turkish invasion produced increasing fiscal demands, and the crown needed the permanent collaboration of the estates for the vote of the land tax. The Estates controlled the administration of this tax, and therefore strengthened their position in the localities, a position that was already strong bearing in mind the fiercely autonomous nature of the various Habsburg possessions. This argument has been further developed by G. R. Burkert, who points to the Peace of Karlowitz in 1699, which secured Austria's borders against Turkish invasion, as the turning point in the history of the Austrian *Erblande*. He contends that it was '...the guarantee of external security [that] led to an inner weakness. The Emperor was now able to intervene strongly in the regions, for the powerful position of the estates collapsed with the end of the Turkish threat'.⁷⁰ However, this did not mark the end of the estates, and while their bargaining power may have been significantly reduced, they remained in existence until 1740, and were certainly not 'defeated' in the traditional historical sense.

Any study of seventeenth century Austrian history would be incomplete without due

⁶⁹ J. Berenger, 'The Austrian Lands: Habsburg Absolutism Under Leopold I', in J. Miller (ed.), *Absolutism in Seventeenth-Century Europe*, (1990), 164.

⁷⁰ G. R. Burkert, 'The Osterreichischen Erblande in the Time of the Glorious Revolution', *Parliaments, Estates and Representation*, 12, (1992), 24.

reference to events in Hungary. This in some respects is the most interesting of Leopold I's possessions, a fact illustrated by the colourful sub-headings used to describe it, for example the 'Ireland of the Habsburgs'.⁷¹ Problems seem to have arisen between crown and estates through the Habsburg tendency to view Hungary as no more than an advanced bastion for the defence of Austria and Bohemia from the Turk.⁷² In an attempt to summarise events, it seems that the Habsburg monarchy pursued policies in Hungary, which made them wholly unpopular. As mentioned, they showed little interest in Hungarian affairs, and were unwilling to allow any significant Hungarian representation in the imperial Privy Council or Chamber. Further, unpopular foreign garrisons were imposed on the Hungarians, who treated the local population like enemies.⁷³ This attitude is clearly illustrated by the diet of 1572. While crowning the King's son Rudolf, they asked the new King to influence his father '...to free them from the servitude, oppression and tyranny which was brought about during His Majesty's reign and which has been unknown before'.⁷⁴ This should not imply that the estates were powerless. As in the other Austrian kingdoms, the Hungarians were unwilling to vote taxation for longer than two years, and therefore the diet had to be convoked biennially.

Arguably, this rather uneasy equilibrium may have been maintained had it not been for the Habsburg policy of Counter Reformation. By the end of the sixteenth century, at least ninety per cent of Hungary's population had adopted the Lutheran or Swiss

⁷¹ A. R. Myers, Parliaments and Estates in Europe to 1789, (1975), 111.

⁷² L. Makkai, 'The Crown and the Diets of Hungary and Transylvania in the Sixteenth Century', in R. J. W. Evans and T. V. Thomas (eds.), Crown, Church and Estates: Central European Politics in the Sixteenth and Seventeenth Centuries, (1991), 83.

⁷³ *Ibid.*, 83.

⁷⁴ *Ibid.*, 84.

version of the Reformation.⁷⁵ Therefore, any attempt to reverse this trend would be met with stiff resistance. However, this policy had a reasonable chance of success. For example, by 1660 both the Upper House of the Hungarian estates, and the government were dominated by zealous Catholics. Nevertheless, this became totally academic, when in 1664, the Habsburgs and Ottoman concluded an unpopular peace at Vasvar. The Hungarians felt that they had been abandoned, and their lands left prey to Turkish incursions. 'The Habsburgs thus managed, for the first time since 1526, to unite the whole of Hungary against them, Catholics and Protestants alike, regardless of which estate they belonged to'.⁷⁶ The result was open revolt in 1670, which closely mirrored the armed revolt of 1604. Habsburg repressive policies were seriously misguided. The Hungarian estates began to retaliate, the partisans gaining external support from Transylvania, France and the Ottoman Empire. The Emperor was forced to reach a compromise, which can be considered a victory for the estates. 'In negotiating a compromise, Leopold I was admitting the failure of one of his government's central aims: to unify the Habsburg monarchy by means of religion'.⁷⁷ It is therefore fair to argue that even after 1670, the Hungarian estates could not be broken. In 1687, the estates acknowledged the Habsburg right of succession, and revoked the 'Golden Bull', which sanctioned rebellion against the King under certain circumstances. However, the apparent reduction in the estates's power was achieved through negotiation, not by the royal prerogative.⁷⁸ In this respect it is reasonable to conclude that the Hungarian estates are worthy of the epitaph '...bloody but still unbowed'.⁷⁹

⁷⁵ Ibid., 86.

⁷⁶ J. Berenger, 'The Austrian Lands: Habsburg Absolutism Under Leopold I', in J. Miller (ed.), Absolutism in Seventeenth-Century Europe, (1990), 167.

⁷⁷ Ibid., 171.

⁷⁸ K. Benda, 'Habsburg Absolutism and the Resistance of the Hungarian Estates in the Sixteenth and Seventeenth Centuries', in R. J. W. Evans and T. V. Thomas (eds.), Crown, Church and Estates: Central European Politics in the Sixteenth and Seventeenth Centuries, (1991), 128.

⁷⁹ V. Press, 'The System of Estates in the Austrian Hereditary Lands and in the Holy Roman Empire:

On the whole, it seems that the traditional notion of royal absolutism in the seventeenth century has little place in Austria. On the other hand, the representation of the crown and estates as two polarised conflicting forces has more foundation in relation with regards the Austrian lands than Spain – a fact primarily explained by the religious situation. This is illustrated by the Hungarian estates, where religious persecution resulted in the estates obtaining a broader national role, and while being far from representative in the modern sense, became a symbol of Hungarian identity. This aside, it is obvious that throughout the period under review, the estates maintained a privileged position, and it can be argued that ‘...the crown remained weak in the face of the estates, who possessed overwhelming political and economic power. Indeed, in 1700 the estates were more powerful than ever and shared power with the crown, which had not even been capable of universally imposing the strength of the Roman Catholic Church’.⁸⁰

It is possible to provide a more detailed analysis of central Europe by considering the estates of Germany. Bearing in mind the historic links between Austria and Germany, and considering that the Habsburgs held lands in Germany, it seems the logical next point of call. Nonetheless, it must be stressed that the following discussion of Germany is far from complete. This is largely as a result of limited historical research accessible to the non-German speaker. For this reason, it has been necessary to concentrate particularly on Brandenburg-Prussia and Wurttemberg. However, it is hoped that these two areas, one representing a traditional absolutist state, the other, a smaller but

A Comparison’, in R. J. W. Evans and T. V. Thomas (eds.), Crown, Church and Estates: Central European Politics in the Sixteenth and Seventeenth Centuries, (1991), 17.

⁸⁰ J. Berenger, ‘The Austrian Lands: Habsburg Absolutism Under Leopold I’, in J. Miller (ed.), Absolutism in Seventeenth Century Europe, (1990), 174.

somewhat unusual Duchy of the *Reich*, serve as a representative cross-section of Germany's estates.

Traditionally, Brandenburg-Prussia has been seen as an area where absolutism had conquered the estates by the end of the seventeenth century. Through a large standing army, the crown had the ability to raise taxes without the consent of the estates.⁸¹ As has been the case in most states considered above, this involves a considerable manipulation of fact, in order to provide a convenient pattern, charting the emergence of Brandenburg-Prussia as the most powerful region of Germany. From the outset, it seems worth stressing that this is something of an artificial creation. H. W. Koch in a recent article attributes this notion to German émigré historians who after 1933 drew their inspiration from popular Marxist thought.⁸² Similarly Koch argues that nothing in the seventeenth century destined Brandenburg-Prussia for the role it was to play in German and European history.⁸³ On a map of Germany at the beginning of the seventeenth century, Brandenburg-Prussia may have appeared more significant than it actually was. Brandenburg for example, was only one of the Empire's seven electorates whose princes were responsible for electing the Emperor. In a similar vein, the landed possessions of Brandenburg-Prussia were in themselves unspectacular, and were considerably weaker than those of their immediate neighbours Saxony, Hanover and Brunswick.⁸⁴ In this respect, it is all the more surprising that Brandenburg-Prussia should be considered as having such an influence on the other estates of Germany.⁸⁵

⁸¹ A. R. Myers, *Parliaments and Estates in Europe to 1789*, (1975), 107.

⁸² H. W. Koch, 'Brandenburg-Prussia', in J. Miller (ed.), *Absolutism in Seventeenth-Century Europe*, (1990), 123.

⁸³ *Ibid.*, 127.

⁸⁴ *Ibid.*, 129.

⁸⁵ A. R. Myers, *Parliaments and Estates in Europe to 1789*, (1975), 107.

This is not the only evidence which proves damning to traditional absolutism. Friedrich Wilhelm who succeeded his father as Elector in 1640, spent the period from 1633 to 1638 at Leyden University in the Netherlands, with the family of the Dutch Stadhouder. It has therefore been argued that ‘...Dutch statesmanship, commerce and prosperity were to become for him the models he wished to emulate once he had assumed responsibility for his electorate’.⁸⁶ This Dutch influence is apparent in the Elector’s army, which rather than being a large tool of repression, was ‘...a small, well-disciplined and regularly paid force, as introduced by Prince Maurice of Nassau’.⁸⁷

In certain respects, the localised nature of society heavily influenced the policies of the Elector. However, attempts to reconcile Cleves, Mark, Prussia and Brandenburg, had failed to convince them there was any identity of interests between them. Bearing in mind Brandenburg-Prussia’s precarious geographical position, and the effect of the Thirty Years War, security was an imperative issue for the Elector. For this reason the year 1660 represents a change in Wilhelm’s policy. The Elector concentrated more on centralisation, with the establishment of the General War Commissary to levy and collect taxes, and a central administrative agency for the Elector’s domains.⁸⁸ However, it must be stressed that this new ‘absolutism’, only partially penetrated to the provincial level, and the judiciary, police and church for example, retained much of their local privileges.

Therefore, the notion of absolutism in Brandenburg-Prussia was based largely on the

⁸⁶ H. W. Koch, ‘Brandenburg-Prussia’, in J. Miller (ed.), *Absolutism in Seventeenth-Century Europe*, (1990), 131.

⁸⁷ *Ibid.*, 140.

⁸⁸ *Ibid.*, 146.

Elector's attempts to centralise various agencies of government. While it is not possible to consider these in any depth, the obvious point to remember is that the new bureaucracy was far from all embracing. It appears that Wilhelm's policies were largely determined by an acute understanding of Brandenburg-Prussia's external weaknesses. Surrounded by potentially hostile powers, '...any war which Brandenburg-Prussia was involved in would be a war for its survival'.⁸⁹ All in all, the Great Elector's attempts to rationalise the state as the prerequisite for an effective defensive policy must stand on their own merits, not as part of some Europe wide absolutist tendency.

Wurttemberg was another area where the question of defence played a prominent part in the relationship between the duke and his estates. However, Wurttemberg is somewhat unusual, in being traditionally seen as one of the few estates that enjoyed the exalted position of successfully maintaining their status at the expense of the crown. This is usually explained by the absence of native nobility – the duke having no natural ally, and unable to exploit divisions within the ranks of the estates.⁹⁰ In Wurttemberg, the matter of a standing army came to the fore in 1677. This was far from unique, as similar policies were being pursued in Brandenburg-Prussia, Saxony, Bavaria and Hanover. As mentioned, the essential difference was that in these areas the establishment of permanent forces was successful, while these achievements eluded the Wurttemberg dukes.⁹¹ However, the estates recognised that the Duchy required some form of defence, but were unwilling to sanction even a territorial militia. The estates control over taxation allowed them to pursue a policy of obstructiveness or de-

⁸⁹ Ibid, Page 155.

⁹⁰ P. H. Wilson, 'The Power to Defend, or the Defense of Power: The Conflict between Duke and Estates over Defence Provision, Wurttemberg 1677-1793', Parliaments, Estates and Representation, 12, (1992), 25.

⁹¹ Ibid., 27.

lay. In this instance the relationship between the duke and estates was characterised by stalemate.

In almost all the states discussed above, a general trend is apparent. In most areas, the monarch attempted to rationalise or centralise his estates, usually as a result of the demands of war. Poland on the other hand seems to be the exception to this rule. In Poland, there was no general trend towards either the centralisation of power, or the establishment of a strong standing army. The estates, dominated by the nobility, remained relatively free to develop undisturbed by the King. It is therefore argued that by the seventeenth century, '...the estates all but eliminated the King as a political factor and almost reduced him to one amongst many competing magnates'.⁹² However, far from being viewed as successful in maintaining their established position, Poland's estates have been quoted as an example '...of the evils of government by Diets'.⁹³ In order to ascertain whether this is an adequate description of the Polish *Sejm*, it is necessary to consider Poland's constitutional arrangements, paying particular attention to the principle of *liberum veto*, the practice by which unanimity was required in *Sejm* votes. It seems this practice, which enabled one man to invalidate the decisions of the entire *Sejm*, more than any other, has led historians to conclude that the Polish Parliament was an inefficient institution.⁹⁴

The obvious difference between Poland, and most other European monarchies, was the fact that the Polish King was elected, a practice established in 1572. The following

⁹² A. Maczak, 'The Conclusive Years: The End of the Sixteenth Century as the Turning-Point of Polish History', in E. I. Kouri and T. Scott (eds.), Politics and Society in Reformation Europe: Essays for Geoffrey Elton, (1987), 517.

⁹³ A. R. Myers, Parliaments and Estates in Europe to 1789, (1975), 124.

⁹⁴ W. Czaplinski, 'The Principle of Unanimity in the Polish Parliament', in W. Czaplinski (ed.), The Polish Parliament at the Summit of Its Development (16th - 17th Centuries), (1985), 111.

year, the estates position was strengthened by the formulation of the conditions of governing set down for the new King, Henri Valois. While the *pacta conventa* was an established practice, 'The Articles of Agreement' for the newly elected King, became known as the 'Henrician Articles', and thereafter became part of the 'Cardinal Laws', to be reintroduced with minor modifications at each subsequent royal election. The Articles are worthy of closer consideration. They re-emphasised the elective nature of the monarchy; established religious tolerance⁹⁵; stressed that the King could not impose additional taxation, declare war, or marry without the consent of the *Sejm*; established a committee of sixteen senators to supervise the executive actions between each *Sejm*⁹⁶; and perhaps most importantly included the constitutional right to resist unconstitutional actions of the crown.⁹⁷ The practical implications of these articles can be illustrated by the *Rokosz*, or armed remonstrance. In 1606 for example, the Poles Swedish King, Sigismund III Vasa, attempted to have his son named heir to the Polish throne, ignoring the principle of free royal election. The Senator of Cracow, Mikolaj Zebrzydowski initiated a *Rokosz*, demanding the King be dethroned. Although Zebrzydowski was defeated, the Cardinal Laws were reaffirmed as part of the *Sejm* of 1609, while somewhat ironically Ladislaus Vasa, was elected successor to his father anyway. These events were mirrored in 1665, when the Grand Marshal of Poland and Field Commander of the Army, Jerzy Lubomirski, rebelled when John Casimir Vasa and his French wife, attempted to settle the succession on the Prince de Conde.

⁹⁵ The establishment of religious toleration had been addressed earlier in 1573, by the Confederation of Warsaw. The consequent Act ensured that '...should anyone try to shed blood claiming an exalted cause, we shall all be responsible for preventing it...' This issue was all the more important in a country which was inhabited by Catholics, Lutherans, Calvinists, Greek Orthodox, Uniates and Jews. It seems probable, that the Poles were heavily influenced by events in Habsburg Austria.

⁹⁶ The frequency of the Polish *Sejm*, had been determined by the Act of Union concluded with Lithuania in 1569. A joint Polish-Lithuanian *Sejm* had to be elected every two years, a requirement that was observed for the next two hundred and twenty years.

⁹⁷ J. Jedruch, 'Constitutional Devices for Blocking the Rise of Absolutism in Seventeenth-Century Poland', *Parliaments, Estates and Representation*, 10, (1990), 160.

Lubomirski's rebellion appears far more significant than the events of 1606. The rebels defeated the King's armies on a number of occasions, culminating in the decisive battle of Matwy, one of the bloodiest of the seventeenth century. Casimir was forced to abandon his plans, and eventually abdicated in 1668.⁹⁸

However, the significance of these *Rokosz* has been subject to at least two diverging interpretations. J. Jedruch has indicated that these examples illustrate how important electability appeared to seventeenth century Poles,⁹⁹ while A. B. Pernal suggests that, certainly the Lubomirski Rebellion, was not simply a struggle against attempts to introduce royal absolutism, and '...calcified the existing defective representative institutions and the constitutional arrangements'.¹⁰⁰ It is therefore necessary to establish just how defective these institutions were, and as mentioned above, debate seems to be dominated by the principle of the *liberum veto*.

The establishment of majority voting had been high on the list of royal reformers during the reign of John Casimir Vasa, but as a check on royal absolutism, the unitary veto had been maintained by the *Sejm*. It was felt that majority voting was too 'mechanical', and that the adoption of important resolutions demanded the consent and commitment of the entire gentry.¹⁰¹ Therefore, in principle, the veto could prove effective, but in practice the fact that one man could paralyse the entire *Sejm* was cer-

⁹⁸ A. B. Pernal, 'The Lubomirski Rebellion in 1665-66: Its Causes and Effects on the Diet and the Constitution of the Polish-Lithuanian Commonwealth', *Parliaments, Estates, and Representation*, 10, (1990), 154.

⁹⁹ J. Jedruch, 'Constitutional Devices for Blocking the Rise of Absolutism in Seventeenth-Century Poland', *Parliaments, Estates and Representation*, 10, (1990), 161.

¹⁰⁰ A. B. Pernal, 'The Lubomirski Rebellion 1665-66: Its Causes and Effects on the Diet and the Constitution of the Polish-Lithuanian Commonwealth', *Parliaments, Estates and Representation*, 10, (1990), 154.

¹⁰¹ W. Czaplinski, 'The Principle of Unanimity in the Polish Parliament', in W. Czaplinski (ed.), *The Polish Parliament at the Summit of Its Development (16th - 17th Centuries)*, (1985), 112.

tainly open to abuse. It is stressed that between 1652 to 1763, out of the seventy-seven diets that were convoked, thirty-seven did not pass any legislation as they were broken up by this device.¹⁰² However, in comparison the Catalan Cortes were brought to their knees by the *dissentiment* in 1632, while the concept of unanimity was also applied to certain areas of the Dutch Estates General, an institution usually seen in a favourable light. Similarly in Polish terms concentration on the *liberum veto*, particularly by foreign historians, has led to a reasonable degree of revision. For example, it has been shown that the principle of unanimity was not always strictly observed. 'Now and again, a bill was passed in spite of opposition by a minority, a fact emphasised in parliamentary diaries'.¹⁰³ Likewise the fact that a *Sejm* could terminate without reaching any significant decisions does not seem to have been regarded as unusual.¹⁰⁴ This perhaps suggests that any conclusions based on criticism of this practise rest upon relatively insecure foundations. More importantly, the implementation of the *liberum veto* prevailed for around only one hundred years, while the *Sejm* existed for at least three hundred as a fully developed institution.¹⁰⁵ This fact appears to have been conveniently ignored by generations of historians. As is the case with any statistics, they can be used to support almost any assumption. In the case of the *Sejm*, particularly during the reigns of the Saxon Wettins, although they refused to legislate and disbanded without action, '...extra-parliamentary Confederations [were established], and in effect, amounted to the setting up of rival political centres'.¹⁰⁶ Jedruch has compared these Confederations with Covenanting, and has pointed to the fact that

¹⁰² Ibid., 154.

¹⁰³ W. Czaplinski, 'The Principle of Unanimity in the Polish Parliament', in W. Czaplinski (ed.), The Polish Parliament at the Summit of its Development (16th -17th Centuries), (1985), 115.

¹⁰⁴ Ibid., 115.

¹⁰⁵ Ibid., 111.

¹⁰⁶ J. Jedruch, 'Constitutional Devices for Blocking the Rise of Absolutism in Seventeenth-Century Poland', Parliaments, Estates and Representation, 10, (1990), Page 162.

they could and often did, prepare outstanding legislative measures for enactment by the *Sejm*.¹⁰⁷ While the competence of these Confederations is open to question, the black and white image of the *Sejm*, as an institution paralysed by the *liberum veto*, incapable of passing effective legislation has been overemphasised, and based on a selective use of fact.

It is impossible to escape the fact that the Polish *Sejm* was flawed and open to abuse, but a large percentage of the criticism heaped upon it is somewhat unfair. The extent to which the *Sejm* contributed to its own decline, and the eventual partition of Poland in the late eighteenth century lies beyond the scope of this chapter. However, as in a number of cases, the historiography of Poland smacks of retrospective thinking, beginning in the 1790s and being read backwards. It is interesting to note, that various contemporary publications seem to emphasise the fact, that the Polish-Lithuanian nobility regarded their representative institutions and their constitutional system as far superior to those found elsewhere in Western Europe. This is reflected by the Polish opinion of seventeenth century England. They saw the ‘...English King’s supremacy over the Church of England as the extreme manifestation of royal despotism unimaginable in a free country.’¹⁰⁸ In conclusion, while the constitutional checks on monarchy were effective in preventing the growth of royal absolutism, it seems by association, the *Sejm* became constrained to maintaining the status quo largely at the expense of its political initiative and capabilities.¹⁰⁹

¹⁰⁷ Ibid, Page 163.

¹⁰⁸ W. Uruszczak, ‘The Significance of the English ‘Glorious Revolution’ for Poles and Poland in the Seventeenth and Eighteenth Centuries’, *Parliaments, Estates and Representation*, 10, (1990), 171.

¹⁰⁹ J. Jedruch, ‘Constitutional Devices for Blocking the Rise of Absolutism in Seventeenth-Century Poland’, *Parliaments, Estates and Representation*, 10, (1990), 164.

In direct comparison to Poland, the Scandinavian countries of Sweden and Denmark, and the more obvious example of France, have been seen as the most absolute of seventeenth century monarchies. In the light of current revisionist trends, is this view still appropriate? In Scandinavia, the notion of absolutism requires further definition. It seems, that the generally accepted pattern of an absolutist monarch systematically destroying his estates through repressive, unconstitutional means has little foundation in Scandinavia. In Sweden, for example, royal absolutism was not achieved through force or coercion. This has led to the assertion, that '...Swedish absolutism was absolutism by the consent of the many, by conviction of the few and by the acquiescence of almost all'.¹¹⁰

The establishment of Swedish absolutism is usually associated with the Riksdag of 1680. However, a cursory glance at events in the two decades preceding this, clearly illustrate that royal absolutism was not inevitable. Following the premature death of Karl X Gustav, the long regency of the four year old Karl XI created new opportunities for the estates. These years were characterised by the growing influence of the Riksdag which began to assert itself in an increasingly self-confident manner – illustrated by the growing criticism of government fiscal policy, and repeated calls for new resumptions of former crown lands. It is further argued, that '...the two decades prior to the introduction of absolutism in 1680 saw the culmination of the expansion of the power of the estates during the Age of Greatness'.¹¹¹ In this respect, it may have appeared that seventeenth century Sweden was heading along a common road with Poland. However, by 1675, Sweden was at war with Brandenburg-Prussia, the Netherlands, Austria and Denmark, a situation hardly conducive of harmonious government.

¹¹⁰ M. Roberts, 'Charles XI', *History*, 1, (1965), 160.

¹¹¹ M. F. Metcalf (ed.), *The Riksdag: A History of the Swedish Parliament*, (1987), 77.

It would appear, that the increasingly desperate military situation, coupled with internal divisions within the Riksdag, particularly between the four estates and the Riksråd, the council of the aristocracy, facilitated the establishment of absolutism. In 1680, the Riksråd was deprived of its power through cooperation between the crown and estates, while in turn the estates lost most of their influence in the Riksdag of 1682. The Riksdag rendered Karl XI independent of its power of taxation by leaving implementation of the newly approved resumption of former crown lands entirely to him. 'The resumption resulted in a reduction of the percentage of the country's farms held by the nobility from nearly two-thirds to approximately one-third'.¹¹² This increase in crown revenues in the form of land rents undermined the Riksdag's position by reducing the monarchy's dependence on new or increased taxation. This is in direct comparison to countries like Hungary where war strengthened the bargaining power of the estates. From 1682, Karl XI gave the Riksdag the chance to participate in the legislative process only when it specifically served his purpose. This relationship was formally established by the Declaration of Sovereignty issued by the estates in 1693. Karl XI was installed as

an absolutely...sovereign King, who is responsible to no one on earth for his actions, but who has the power and authority to guide and rule his realm according to his desires and as a Christian King.¹¹³

In conclusion, the Swedish estates, while stripped of their power, and perhaps their relevance, surrendered their status willingly. As A. F. Upton has stressed, '...the peo-

¹¹² Ibid, Page 84.

¹¹³ Ibid., Page 79.

ple of seventeenth-century Sweden, both nobles and commoners, knew that they were subjects of an absolute King, and were proud and content to be so'.¹¹⁴ Why this was the case is not necessarily clear, although stable government following a period of unsuccessful war provides a likely explanation. This probably accounts for the ease with which absolutism was established in Sweden. However, it must be borne in mind, that although an absolute state in the seventeenth century, with the death of Karl XII in 1718, absolutist pretensions in Sweden were overthrown, replaced by the 'aristocratic constitutionalism' of the Age of Liberty.¹¹⁵

In Denmark the reasons for the establishment of an absolutist regime were similar to those found in Sweden. An expensive three-year war with her neighbour had seriously threatened the security of the state – the Danish government incurring debts of more than five million rigsdaler, in addition to a large army of mercenary soldiers waiting for demobilisation and pay.¹¹⁶ Peace in May 1660, gave the crown and estates an opportunity to find a solution to the country's urgent financial problems. It appears that this was the reasoning behind the consequent diet, which met in Copenhagen in September. However, a subsequent proposal concerning the establishment of a hereditary monarchy changed the character of the diet. In rapid succession the throne was declared hereditary as opposed to elective; the King's coronation charter was revoked¹¹⁷; and finally, on the 10 January 1661, the act of sovereignty codified the new political reality. The act of sovereignty accorded the King absolute power, while the subjects

¹¹⁴ A. F. Upton, 'The Riksdag of 1680 and the Establishment of Royal Absolutism in Sweden', *The English Historical Review*, 102, (1987), 308.

¹¹⁵ *Ibid.*, 282.

¹¹⁶ E. L. Petersen and K. J. V. Jespersen, 'Two Revolutions in Early Modern Denmark', in E. I. Kouri and T. Scott (eds.), *Politics and Society in Reformation Europe: Essays for Sir Geoffrey Elton*, (1987), 488.

¹¹⁷ Constitutionally, the coronation charter had laid down the framework of each individual reign. The charter served as a convenient means of imposing limitations on the crown, and settling accounts with the encroachments of the late king.

renounced every right of criticism of or opposition to the King.¹¹⁸ This had the effect of not only establishing an absolutist regime, but absolutism based on solid theoretical foundations, which was to prove enduring for the next one hundred and eighty-nine years.

All in all, Scandinavian absolutism proves to be something of an enigma. While it is true, that at the crucial moment in both Sweden and Denmark, the crown relied on latent military power in order to tip the scales in their favour,¹¹⁹ the absence of any real coercion or conflict between the monarch and his estates make these examples somewhat unique. The Scandinavian estates certainly conform to the pattern of decline established by traditional research. However, the manner by which this decline was achieved, by consent rather than coercion, casts further doubt upon the validity of this notion.

For many, the physical embodiment of absolutism was Louis XIV, a fact that can be easily substantiated by reference to most textbooks or encyclopaedias. For example, Microsoft's Encarta electronic encyclopaedia states absolutism '...is perhaps best exemplified by the reign of King Louis XIV of France. His declaration 'l'etat c'est moi' (I am the state) sums up the concept neatly'.¹²⁰ The extreme nature of French absolutism can be illustrated by the obvious fact that, instead of declining in influence, from

¹¹⁸ Ibid., 493.

¹¹⁹ During the Riksdag of 1680, the crown assembled 2000 troops of the royal guard in Stockholm. While Professor Upton, and most modern historians have rejected the hypothesis of any military coercion, the presence of such a large number of troops is undeniable and a potentially convenient bargaining chip. A. F. Upton, 'The Riksdag of 1680 and the Establishment of Royal Absolutism in Sweden', *English Historical Review*, 102, (1987), 293.

Similarly, during the 1660 Copenhagen diet, the king proclaimed martial law. 'The guards on the ramparts were doubled, the city gates were closed, and all ships in the harbour were sailed into open water so that no one could leave the city without royal permission'. E. Ladewig Petersen and K. J. V. Jespersen, 'Two Revolutions in Early Modern Denmark', in E. I. Kouri and T. Scott (eds.), *Politics and Society in Reformation Europe: Essays for Geoffrey Elton*, (1987), 491.

¹²⁰ Microsoft Encarta 96 Encyclopedia.

1614 to 1789, the French Estates General simply failed to meet. It would therefore appear, that in relation to France, there is little scope for revision. Nonetheless, in recent years, various historians have dealt a series of blows to the foundations of French absolutism. Revisionist study has shown ‘...that the crown was the principal, but not the only, power in the realm’.¹²¹ This assumption appears to rely on a reassessment of the interpretation of French absolutism, the role played by the Provincial Estates, and the significance of the *Parlement*. These areas require some discussion in order to provide a fuller picture of Louis XIV’s France.

As illustrated above, the term ‘absolutism’ has been applied in a number of different circumstances, but in France it has clearly assumed the trappings of despotism. However, it appears that in relation to Bourbon France, the term is somewhat ambiguous and misleading. It has been suggested that the traditional interpretation of Bourbon monarchical power, has been heavily influenced by royalist pamphleteers, who it was assumed, were approving, justifying and defending unbridled arbitrary authority.¹²² This has led to a significant distortion of the facts. Most theorists writing in defence of absolutism, were jurists rather than theologians, and were therefore working to specific commissions. ‘Every jurist had an armoury of weapons and used only those which were relevant to a particular confrontation, often presenting them in the form of slogans and shibboleths rather than extended and well-argued theories’.¹²³ This certainly casts doubt on the apparently selective and somewhat sensational evidence utilised by previous historians. No school of thought advocated unbridled royal power, a fact emphasised by ardent royalist commentators like Bousset. Jacques-Benigne

¹²¹ R. Mettam, ‘France’, in J. Miller (ed.), *Absolutism in Seventeenth-Century Europe*, (1990), 43.

¹²² *Ibid.*, 47.

¹²³ *Ibid.*, 48.

Bousset tempered his enthusiasm for monarchy with some severe moral strictures, and stressed that the obligation of the subject to obey, was balanced by the obligation of the sovereign to act morally. For example, Bousset claimed 'Majesty is the image of greatness of God in the prince. God is infinite, God is all'.¹²⁴ In this respect, while the King was regarded with the reverence of a deity, in return the monarch had to behave as the untarnished image of God. This concept was far from innovative, and in general terms was common currency throughout Europe, as illustrated by the work of the Pole Laurentius Grimaldus Goslich, and nearer to home, the Scot, George Buchanan. In this respect, in comparative terms, seventeenth century France appears not so distant from her European contemporaries.

How did the French estates operate under this revised absolutism? As mentioned, the Estates General did not meet during the period under review, but this does not necessarily imply that Louis XIV enjoyed absolute freedom in the pursuit of his objectives. With regard to law, although it was generally accepted that the crown was the fount of all justice, the King's role was perceived as that of mediator, not of lawgiver. The crown had the right to add to the corpus of laws, but in any major legal reform, the King was expected to consult his leading subjects. This process of consultation was observed in 1667, 1669, 1670 and 1673, the years characterised by Louis's attempts to systematise legal procedures. In France, there were many different kinds of law, and many local variants, indicative of the regional nature of French society. It would be naive to imagine that the problems facing contemporary European monarchs, generated by localised societies, were absent in Bourbon France.

¹²⁴ Ibid., 50.

The Provincial Estates proved the main point of contact between the crown and the localities. During the seventeenth century a number of these assemblies fell into abeyance, but this was not due to any active royal policy. The disappearance of the Estates in areas like Auvergne, Guienne, Rouergue and Normandy was the result of insufficient interest in keeping the respective institutions alive.¹²⁵ Those Estates that survived like Languedoc, Flanders, Brittany and Burgundy, were usually on the periphery of the kingdom, in areas where a sense of identity was strong, and where the inhabitants were attached to traditional privileges. In these areas, the Estates met regularly, for example in Languedoc every year, and in Brittany every two years. This certainly seems to suggest that the Provincial Estates had a role to play in absolutist France. While these Estates are too numerous, and insubstantially studied to cover in any great depth, Languedoc has received enough recent attention to provide a useful example.¹²⁶ In Languedoc, as in the other provinces, the King convoked the estates regularly, because the alternative was to do without taxes. The royal demands were presented by commissioners whose commissions had secret instructions specifying what they were to obtain and where they might compromise. In effect, the commissioner's job was to manage the Estates, which in itself could prove a particularly tricky task. However, during Louis' reign, the Estates were better managed than they were in earlier periods.¹²⁷ For example, when baronies changed hands by inheritance or sale, or a disputed succession left an opening for intervention, Louis XIV in effect, could transfer the barony seat, and therefore the right to attend the Estates to a reliable follower. This practice, has led W. Beik to describe the Estates as a '...large patron-

¹²⁵ A. R. Myers, *Parliaments and Estates in Europe to 1789*, (1975), 104.

¹²⁶ W. Beik, *Absolutism and Society in Seventeenth-Century France: State Power and Provincial Aristocracy in Languedoc*, (1985).

¹²⁷ *Ibid.*, 124.

age machine'.¹²⁸ The monarchy could best manage the diets by making sure in advance that its leaders were loyal clients. Louis XIV's success is illustrated by the changing relationship between crown and Estates. By the 1660s, '...satisfying the King...' became a stated goal of the diets, while there was no assurance that provincial grievances, although accepted by the commissioners, would be met by the King.¹²⁹ On the other hand this could prove counter-productive. In the provinces, the local police force tended to support the provincial elite in opposing unpopular royal edicts. Therefore, while the Estates could find their grievances ignored, the crown did not have the means to ensure the implementation of edicts in all parts of the realm. However, in Languedoc, the Provincial Estates marked a '...compromise between the King, wanting steady funds, and the provincial rulers, wanting a hand in their management'.¹³⁰ While an assumption, it seems reasonable to suggest that this conclusion may apply further afield than Languedoc.

All justice in France was dispensed by the royal judges, and it was before these judicial agents that any cases concerning the legality of governmental actions were presented. Historians, have generally accepted that the crown was regularly at odds with the *Parlements*, and have portrayed the King as the ultimate victor in these confrontations.¹³¹ However, A. Hamscher has shown a level of cooperation between crown and *Parlement*, which has been previously ignored.¹³² In his relations with *Parlement*, Louis XIV was primarily concerned with reducing the judges' political influence, and their ability to oppose royal policies. The King was willing to respect the *Parlemen-*

¹²⁸ Ibid., 128.

¹²⁹ Ibid., 136-139.

¹³⁰ Ibid., 146.

¹³¹ R. Mettam, 'France', in J. Miller (ed.), *Absolutism in Seventeenth-Century Europe*, (1990), 55.

¹³² A. N. Hamscher, *The Parlement of Paris After the Fronde 1653-1673*, (1976).

taires privileged economic and social position, and to maintain them in their traditional judicial functions, but he was determined to end their interference in affairs of state. The key to Louis' success however, as in the case of the Provincial Estates, revolved around management rather than reorganisation.¹³³ The King was careful to ensure that any direct action limiting *Parlement's* ability was accompanied by the appropriate compensation. Similarly, the King abandoned many of the policies that had provoked judicial opposition during the ministry of Mazarin, such as many of the extraordinary financial initiatives. Although the King did limit *Parlement's* right to remonstrate royal decrees, the crown made no attempt to dispense with other procedures the judges had used to effectively block royal policies in the past. 'Plenary sessions, *mercuriales*, the registration of legislation, and the right to issue judicial and administrative decrees remained integral parts of *Parlement's* privileges and tradition'.¹³⁴ In this respect, *Parlement* maintained a significant, though restricted role in national affairs.

On the whole, it appears that French absolutism is neither straightforward nor conclusive. While the above discussion cannot hope to reverse centuries of tradition – and admittedly may understate French absolutism – it hopefully raises a few significant points. Both Mettam and Hamscher agree that Louis' absolutism was limited in scope, and at present this seems an adequate description. Louis's eventual unpopularity has perhaps gone some way in clouding debate on his personal rule, lending itself to support the notion of arbitrary, tyrannical absolutism. However, it would appear, that in some respects, Louis is unworthy of his despotic epitaph, as, although the Estates General was effectively abolished, other institutions existed capable of opposing

¹³³ Ibid., 201.

¹³⁴ Ibid., 201.

crown policy. Similarly, the quiescence of *Parlement* after 1661, and the generally successful management of the Provincial Estates underscore the King's ability to work through rather than destroy traditional institutions. It would seem therefore, that French absolutism was not characterised by an innovative, radical royalist policy of reform, but by the gradual manipulation of existing institutions.

The states described above, have traditionally been characterised by absolutism and a collapse of their respective diets. However, revisionist history suggests something of a realignment. In most cases the decline of the estates was not as spectacular as once assumed, while the application of absolutism in its traditionally negative sense, seems questionable to say the least. This is far from a comprehensive attempt to rewrite European history, and for this reason, without a suitable alternative, the term absolutism has been liberally used. Nevertheless, to regard what is in effect an artificial nineteenth century construct, as a common European royal policy, seems somewhat inappropriate. Although the issues facing seventeenth, early eighteenth century monarchs were similar, the solutions they found to the problems of localism, finance, war and composite monarchy were not necessarily uniform. The evidence would therefore suggest that absolutism is better regarded as a chameleon. For example, the character of Scandinavian absolutism was very different from Austrian absolutism, which appears to have had largely religious objectives. However, these discrepancies seem to have been largely ignored, in an attempt to construct a general pattern of decline culminating in 1789. This prevailing vision of 'the age of the autocrat', supported by a tendency to study the estates as modern representative institutions, appear to be responsible for their traditionally insignificant historical status.

The above conclusion, while valid in the majority of cases, has two notable exceptions. The Dutch Estates General and the English Parliament have largely escaped the criticism doled out to contemporary institutions. G. R. Elton has claimed that these bodies survived the reform of monarchy largely intact, because they shared in the work of governing, and did not regard themselves as counterweights to government.¹³⁵ This however, relies on the established Whig interpretation, that the relationship between seventeenth century crown and estates was characterised by conflict. With regards to the above evidence this interpretation is tenuous to say the least. What then, made these two bodies so significantly different?

Traditionally the Dutch Republic has been seen as somewhat unique. Her form of government went against the trend of the times. In a century characterised by absolutism and expanding monarchy, she remained a republic – a federation, surrounded by unitary, although localised states. In political terms, the Republic retained provincial sovereignty and local self-government. Unlike the majority of her neighbours, the Republic's economy flourished on private enterprise, not through state prompting. This economic success was due to the urban nature of Dutch society. Where elsewhere in Europe agriculture still predominated, the Dutch Republic was overwhelmingly commercial. Similarly, an overwhelming percentage of European diets remained dominated by the nobility. 'Instead of country nobles or rustic barons, the Dutch elite derived from bourgeois merchants, manufacturers, bankers and shippers; and her rank and file were not peasants, but shopkeepers and craftsmen, sailors and mechanics'.¹³⁶ This then, would seem to explain the peculiar status enjoyed by the Dutch estates.

¹³⁵ G. R. Elton, Parliament in the Sixteenth Century: Studies in Tudor Stuart Politics and Government, Vol. II, Parliament/Political Thought, (3 Vols. 1974-83), 31.

¹³⁶ E. N. Williams, The Ancien Regime in Europe Government and Society in the Major States 1648-1789, (1970), 23-24.

However, on the contrary, this rather cosmopolitan vision of Dutch society appears to be largely based on Holland. Although the most powerful Dutch province, providing half the country's total revenue, and almost entirely responsible for Dutch intellectual and economic strength, Holland was only one of the seven component parts which made up the Republic. The dominant image of Dutch society as urban, mercantile, bourgeois and even capitalist is misleading.¹³⁷

Nevertheless, in the Republic sovereignty lay with the seven provinces of Holland, Zeeland, Friesland, Gelderland, Groningen and Overijssel. In each of these power was vested in the estates, whose composition differed greatly, because of institutional and social peculiarities. For example, in Holland, the estates consisted of nineteen delegations with one vote each: eighteen represented the towns, and one the nobility. A similar situation prevailed in Zeeland, where the estates included only one representative of the nobility. However, the political role of the nobility has been reassessed in recent years. For example, in Gelderland there is evidence that the seventeenth century was a period of consolidation of noble power, particularly as regards local government.¹³⁸ Likewise, in Overijssel, the ratio between the gentry and the boroughs was three votes each.¹³⁹ Outside Holland, the nobility appear to have played an important, if not dominant role in provincial government.¹⁴⁰ This brings the Dutch Republic closer to her European contemporaries.

¹³⁷ J. L. Price, 'The Dutch Nobility in the Seventeenth and Eighteenth Centuries', in H. M. Scott (ed.), The European Nobilities in the Seventeenth and Eighteenth Centuries, Vol. I, Western Europe, (1995), 82.

¹³⁸ Ibid., 100.

¹³⁹ S. Groenveld, 'J'equippe une flotte tres considerable: The Dutch Side of the Glorious Revolution', in R. Beddard (ed.), The Revolutions of 1688, (1991), 216.

¹⁴⁰ J. L. Price, 'The Dutch Nobility in the Seventeenth and Eighteenth Centuries', in H. M. Scott (ed.), The European Nobilities in the Seventeenth and Eighteenth Centuries, Vol I, Western Europe, (1995), 83.

The conduct of Dutch politics can be seen as a further indication of this. To some extent, internal politics were polarised between the Stadholder on the one hand, and the regents of Amsterdam on the other. The Stipendiary Councillor, headed the delegation from Holland at the Estates General, and presided over the debates. This therefore gave Holland and Amsterdam considerable influence. In comparison, the Stadholder was the most important of the states few paid officials.¹⁴¹ From the Dutch revolt, the Prince of Orange, had usually been Stadholder in the five provinces of Holland, Zeeland, Utrecht, Overijssel and Gelderland, while the Nassau branch of the family held the post in Friesland and Groningen. This, combined with the Stadholder's traditional role as commander of the Dutch army, attributed to a sizeable power base.

However, between the years 1650 to 1672, the Dutch Republic was effectively governed by the Stipendiary Councillor, Johan de Witt. Following the death of William II in 1650, the states decided to keep the office of Stadholder vacant, and from 1667 to 1672 the post was even abolished.¹⁴² This has led to the assertion, that in seventeenth century practice, the Stadholder became the deputy of the new sovereign, the states.¹⁴³ Yet, this Stadholderless regime did not last long, and ended in particularly bloody circumstances. In 1672, Louis XIV ordered 100,000 men across the Rhine, and then westwards into the heart of the Republic. As the French entered Utrecht, the Dutch people forced the regents to forget the Perpetual Edict, and make William Stadholder. This was followed by the Estates General's decision to appoint William Captain-

¹⁴¹ 'The Stadholder's office dated from the Habsburg period, when he functioned as the substitute for the permanently absent lord. In principle each province had its own Stadholder, but in practice the same person was appointed in two or three adjacent territories'. S. Groenveld, 'J'equippe une flotte tres considerable: The Dutch Side of the Glorious Revolution', in R. Beddard (ed.), *The Revolutions of 1688*, (1991), 217.

¹⁴² In 1667, by the Perpetual Edict, the estates of Holland abolished the office of Stadholder, and declared that the office in any other province was incompatible with the military post of Captain-General. After some struggle, the other provinces accepted the latter point in the Act of Harmony of 1670.

¹⁴³ *Ibid.*, 217.

General and Admiral-General for life. The state of emergency forced the estates to share power with the Stadholder.

The relationship between the Dutch estates and the Prince of Orange was somewhat unique, in the fact that the Prince was neither an elected or hereditary sovereign. It seems that the estates, particularly in Holland, were generally concerned by the notion that William III may have attempted to establish a modern monarchy, and squander the profits of trade in useless territorial aggression. However, the Dutch Republic's historical background, geographic position, and obvious wealth, made her an obvious target for aggression, and the chances of the state remaining aloof from any European conflict were at the least remote. This then, was the state of affairs in the Republic. While absolutism was obviously irrelevant in domestic terms, the Netherlands was as susceptible to external pressures and demands as any other European nation. It would therefore appear safe to suggest, that although the Dutch estates were sovereign in their own right, at a time of crisis they needed the figurehead and leadership of the Prince of Orange. The converse of this argument is also true, as had William not enjoyed at least the passive financial support of the Dutch estates, there is some doubt whether the invasion of Britain in 1688, would ever have taken place.¹⁴⁴

In the past, the English Parliament has been described in terms almost unique with regards to contemporary European institutions. The notions of freedom, liberty, party and liberal democracy, have been enshrined in the representative, democratic symbol that was Parliament. However, Parliament's much flaunted status seems to owe a great deal to traditional history. The relatively fresh memory of the Civil War, con-

¹⁴⁴ J. H. Grever, 'William III's Conflicts with the City Council of Amsterdam', Parliaments, Estates and Representation, 11, (1991), 58-59.

tributed to the peculiarly independent ideology of Parliament, while from the seventeenth century, Whig historians have viewed the 'Glorious Revolution', as the triumph of parliamentary government, somehow a peculiarly Protestant institution, over royal absolutism, tainted because it was a Catholic phenomenon.¹⁴⁵ William III delivered the country from the tyranny, Popery, and arbitrary power of James VII and II. James had apparently ignored the established form of English government, which was characterised by the twin concepts of consent and partnership. Parliament came into existence because the King wanted assistance in the tasks of government, and cooperation between the two in tackling practical problems, the traditional benchmarks of successful rule.¹⁴⁶ How accurate is this interpretation?

In England, local self-government, although common throughout Europe had developed on a national level, which in turn was expressed in the institution of Parliament, whose origins as a political assembly can be tentatively traced as far back as the fourteenth century.¹⁴⁷ However, it was in the course of the sixteenth century, that Parliament was transformed from the medieval 'King and Parliament', characterised by Parliament's role as a restraining measure, into the modern notion of 'King-in-Parliament', acting as a single (mixed) sovereign body.¹⁴⁸ Similarly, G. R. Elton has argued that in England, Parliament '...never in any real sense consisted of the bodies to whom conventional medieval thought attached the title estates'.¹⁴⁹ The three orders of society – *Lehrstand*, *Wehrstand*, *Nahrstand*, those who pray, fight, and labour –

¹⁴⁵ D. Hoak, 'The Anglo-Dutch Revolution of 1688-89', in D. Hoak and M. Feingold (eds.), *The World of William and Mary - Anglo-Dutch Perspectives on the Revolution of 1688-89*, (1996), 2.

¹⁴⁶ G. R. Elton, *Parliament in the Sixteenth Century: Studies in Tudor Stuart Politics and Government*, Vol. II, *Parliament/Political Thought*, (3 Vols. 1974-83), 31; J. Miller, 'Britain', in J. Miller (ed.), *Absolutism in Seventeenth-Century Europe*, (1990), 197.

¹⁴⁷ G. R. Elton, *Parliament in the Sixteenth Century: Studies in Tudor Stuart Politics and Government*, Vol. II, *Parliament/Political Thought*, (3 Vols. 1974-83), 22.

¹⁴⁸ *Ibid.*, 35.

¹⁴⁹ *Ibid.*, 38.

never sat, or acted separately in the English Parliament, apparently supporting Elton's theory, that English politics were not estate based. This topic is directly associated with representation.¹⁵⁰ The House of Commons, while obviously comparable with other 'third estates', was not drawn from the towns, as was largely the case elsewhere in Europe. In England, the Commons represented both the shires and the burghs, and as members of the House were elected, supporting their representative nature.¹⁵¹ However, this was far from unique, and was a privilege enjoyed by the Scottish burghs and shires. Likewise, in institutional terms, the English Parliament's bicameral organisation was mirrored in Hungary. While these areas need to be explored in much greater depth, they encroach on the exalted position occupied by the English Parliament. For example, to take the years between 1529 to 1559, it has been stressed that there were only six years without a session of Parliament, while in the same period the French Estates General did not meet at all.¹⁵² This however, conveniently fails to mention the pattern of Provincial Estates, or the undoubted abilities of the *Parlements*. While perhaps rather sceptical, it seems that a fair percentage of the English Parliament's unique status, is based on the perceived weaknesses of contemporary institutions. It would prove an interesting study to assess how much English or 'Whig' historians have contributed to this as the architects of weakness.

During the seventeenth century, and particularly during the reign of James VII and II, it is fair to conclude that the relationship between the King and Parliament deteriorated. An interesting question is whether the King ever had the intention or opportu-

¹⁵⁰ Representation is a rather grey area, and difficult to define. While in theory, the English and Scots shires and burghs elected representatives, these men did not necessarily act in the manner of a current Member of Parliament.

¹⁵¹ Ibid., 41.

¹⁵² Ibid., 52.

nity to establish an absolutist regime in Britain. By and large, J. Miller has suggested that the potential for absolutism was realistic.¹⁵³ However, James's religion proved decisive. Had Parliament been faced by a Catholic monarch without a legitimate heir, subsequent events may have taken a different turn. With the birth of his son, James's fate was decisively sealed, suggesting that for many Whigs and Tories, Catholicism rather than absolutism was the deciding factor in their relations with the King. All in all, the significant status afforded the English Parliament is undeniable, but whether its position is as predominant as formerly assumed, is a subject worthy of further research. In the light of revisionism throughout Europe, Parliament's relationship with the crown, and apparent victory over absolutism may not be so unusual.

Discussion of Europe's estates has gone almost full circle. All that remains, is to establish how the Scottish Parliament compares with this broad European framework of traditional and revisionist history? As mentioned in the introduction, as the only monograph study of the period, P. W. J. Riley's 'King William and the Scottish Politicians', published in 1979, provides a convenient and logical point from which to begin any revision of this institution in the late seventeenth century.¹⁵⁴ On the one hand, as the only analysis of politics in this period it is of some significance, however, Riley's conclusions require considerable redress. The central theme of his work, asserts quite conclusively that the Scottish Parliament during the reign of William of Orange degenerated into nothing more than a theatre for magnate faction. 'As subjects of what had become a subordinate kingdom they were almost entirely divorced from decision and responsibility. In consequence any policy tended to be no more than an af-

¹⁵³ J. Miller, 'The Potential for Absolutism in Later Stuart England', *History*, 69, (1984), 187-207.

¹⁵⁴ Riley, *King William*, (1979).

fectionation and to many a matter of almost complete indifference'.¹⁵⁵ This view of a factious, intransigent Parliament, divorced from effective decision-making seems very reminiscent of the malignancies traditionally taken to have crippled contemporary European estates. However, in this respect, the Scottish Parliament has not even achieved the position of defender of national interests and privileges, status assumed by the respective institutions of Catalonia or Hungary. In comparison, it is considered as a body exploited by self-interested magnates. Nevertheless, the origins of Riley's views lie much closer to home. To leave the European scene for a moment, the theme of an overmighty nobility at odds with a centralising sovereign desperate to increase his influence is all too familiar to those with even a passing interest in Scottish history. In many respects, Riley adopts the earlier views of most notably M. Lee, and applies them to a later period.¹⁵⁶ At the risk of labouring the point, this polarised view of crown-noble conflict usually associated with the sixteenth century, has in recent years been proved somewhat wanting, and it is all the more improbable that his analysis is any more applicable a century later.¹⁵⁷

However, Riley is not solely responsible for this somewhat detrimental view of the Scottish Parliament. For example, H. Trevor-Roper has claimed that the Scottish political system, prior to the Union of 1707, was no more than 'political banditry',¹⁵⁸ effectively perpetuating and adding to an established myth. Similarly, R. S. Rait and C. S. Terry, authors of the only comprehensive works considering Scottish parliamen-

¹⁵⁵ Ibid., 3.

¹⁵⁶ M. Lee, John Maitland of Thirlestane and the Foundation of the Stewart Despotism in Scotland, (1959).

¹⁵⁷ The above criticism of P. W. J. Riley's work, has some foundation in an article by B. Lenman. Lenman has described 'King William and the Scottish Politicians', as '...written out of the camp of that 'Black Legend' of the Scottish nobility...' and is more '...a demonstration of misguided Namierism than a piece of balanced historical writing'. B. Lenman, 'The Scottish Nobility and the Revolution of 1688-1690', in R. Beddard (ed.), The Revolutions of 1688, (1991), 144-145.

¹⁵⁸ D. Stevenson, 'Professor Trevor-Roper and the Scottish Revolution', History Today, (1980), 34.

tary history, come to much the same conclusion, depicting Parliament as both underdeveloped and limited – hardly surprising bearing in mind their age and contemporary historiography. However, this does not adequately explain the apparent lack of interest in the Scottish Parliament, or the absence of any significant attempt to revise Riley's conclusions.¹⁵⁹ It is true that Scotland as a whole is not so well served with historical research concerning the period 1689 – 1702 as England, nevertheless, in parliamentary terms, it is possible to establish some reasons for this. To adopt an alternative approach, it is possible to make some conjectures as to why the Scottish Parliament of this period should be the subject of criticism, antipathy and even revulsion. By assuming a nationalist guise, it is impossible to ignore the theory of a parliamentary 'sell-out' in 1707, which seems to have gained a firm hold in popular Scots culture. This common if somewhat misleading view, is most eloquently expressed by Scotland's national bard.

What force or guile could not subdue
Thro' many warlike ages
Is wrought now by a coward few
For hireling traitors wages.
The English steel we could disdain,
Secure in valour's station;
But English gold has been our bane-
Such a parcel of rogues in a nation!
'We're bought and sold for English gold'-

¹⁵⁹ C. S. Terry, *The Scottish Parliament, Its Constitution and Procedure 1603-1707*, (1905); R. S. Rait, *The Parliaments of Scotland*, (1924). The above two monographs, supported by a number of articles particularly by R. K. Hannay, have provided the foundations for traditional study of the Scottish Parliament. While institutionally these works are reasonably accurate, they suffer from the obvious ailment of being written using traditional research methods, largely without regard to manuscript evidence.

Such a parcel of rogues in a nation!¹⁶⁰

Consideration of the Union as a catalyst effecting future parliamentary research has been attempted by T. Innes, in an article on the symbolism and ceremonial of Parliament. Lamenting the lack of interest in the subject, he suggests that ‘...no doubt this is largely accounted for by the union of 1707, as a result of which allusion to the Scottish Parliament became devoid of practical interest, but also one to which reference would be discouraged in the eighteenth century’.¹⁶¹ It is obvious that caution must be exercised in the advance of any such opinion, but it seems certain that a critical view of parliamentary union has influenced consequent research on the subject of parliament. Tenuous to some extent, it would appear that a traditional view of the Scottish past, combined with a somewhat partisan view of parliamentary union have discouraged historical analysis, perpetuating the myth of a weak, backward institution. In comparison to the much flaunted and often idealised historiography of the English Parliament, its Scottish counterpart has not fared well.

Nonetheless, this should not give the impression that the contemporary Scottish Parliament is undeserving of study, or that nothing constructive can be written in its defence. This is far from the case. For example, W. Ferguson, concentrating on the abolition of the Committee of the Articles – the steering committee associated with royal control of the estates – claims that the Convention Parliament was ‘...freed from its shackles’.¹⁶² Likewise he argues that ‘...the Convention of Estates of 1689 aimed at

¹⁶⁰ *Poems and Songs of Robert Burns*, J. Barke (ed.), (1985), 552.

¹⁶¹ T. Innes of Learney, ‘The Scottish Parliament; Its Symbolism and Its Ceremonial’, *Juridical Review*, 44, (1932), 87.

¹⁶² W. Ferguson, *Scotland’s Relations With England: A Survey To 1707*, (1977), 166.

reforming the state rather than the church'.¹⁶³ In a similar vein R. Mitchison, although seeing this period in a more immediate light, as opposed to a period in the long-term growth of a self-conscious nation state, has been critical of traditional interpretations.¹⁶⁴ While the notion of a 'free' Parliament, combined with constitutional reform require more in-depth study, it is unrealistic to suggest that Parliament suffered any major decline in the later seventeenth century. Undoubtedly, the crown could still exert considerable influence in Scottish politics, through the right to appoint Privy Councillors and Officers of State, which combined with the indirect effects of patronage and bribery, could prove particularly persuasive. Nevertheless, with the removal of the Articles, it can be argued that Parliament won a considerable concession, and that the nature of future court management was irreversibly altered.¹⁶⁵

In addition, it is also interesting to consider the internal workings of Parliament. Taking the traditional line, this was effectively paralysed by factious conflict. On the other hand, the 'party' structure adopted by the 'Club' in 1689 – 1690, and the court and country party in 1698 – 1700, combined with their coherent political programme and structure, indicates that not only Whigs and Tories were capable of aligning themselves in a manner which would not seem too dissimilar in comparison with modern political parties.¹⁶⁶ Likewise, in comparison with the English Parliament of this period, it is also interesting to consider the Scottish Claim of Right. While comparable to its English counterpart, in implying a constitutional agreement between William III and Parliament, the Scottish settlement was far more specific, and couched in

¹⁶³ Ibid., 170.

¹⁶⁴ R. Mitchison, *Lordship To Patronage, Scotland 1603-1745*, (1983), 124.

¹⁶⁵ See chapters 5, 6 and 7.

¹⁶⁶ J. Halliday, 'The Club and the Revolution in Scotland 1689-90', *SHR*, 45, (1966), 143-159. See chapters 2, 3, 4 and 5.

less diplomatic terms.¹⁶⁷ It is worth remembering that despite the propaganda surrounding the English Parliament, in Scotland James VII forfeited his throne, it was not declared vacant by abdication.

Hopefully, the above suggests that the Scottish Parliament can no longer be considered in simplistic black and white terms. If the discussion appears to be characterised by assumption and conjecture, this is simply due to the current state of affairs. Much more primary research on the period 1689 – 1702 is required, before anything approaching a definitive conclusion can be produced. Nevertheless, with regards the gradual revision of ideas concerning estates throughout Europe, largely casting them in a more favourable light, it is debatable why Scotland should prove the exception to this rule.

In most European countries, recent historical research has in many respects proved, that even at the most basic level, traditional research and opinion does not stand up well to current analysis. Scotland has not been untouched by such trends. The combined work of primarily the Scottish Parliament Project, J. Goodare, R. Lee, and J. Young, has provided a relatively comprehensive analysis of Parliament to the Restoration. While the findings of this research are not necessarily applicable to the period 1689 – 1702, they have certainly influenced the above debate, illustrating the potential for research in an institution viewed in one-dimensional terms for too long. For instance, J. Young has attempted to trace the development of a Scottish ‘Commons’ in the period 1639 – 1661, undoubtedly an innovative concept, which questions Parlia-

¹⁶⁷ I. B. Cowan, ‘Church and State Reformed? The Revolution of 1688-9 in Scotland’, in J. I. Israel (ed.), *The Anglo-Dutch Moment: Essays on the Glorious Revolution and Its World Impact*, (1991), 163-183. See chapter 7.

ment's traditional status as an undeveloped body.¹⁶⁸ In this context, it is also worth mentioning the work of M. D. Young. Her biographical study of burgh and shire commissioners – invaluable in the preparation of this thesis – has come to a several significant conclusions – most notably that ‘...whether it be burgesses from a small, poor burgh or from a wealthy influential one, or the modest landowner and the laird owning great estates, brought together by their common interests, the commissioners represent a cross-section of Scottish people’.¹⁶⁹ Perhaps, in this respect the Scottish Parliament can lay claim to being a truly representative institution, an area long the preserve of its English neighbour? In conclusion, there is no reason why the Scottish Parliament should not emerge from the murky shadows of the late seventeenth, early eighteenth century, and assume a revised position in a reassessed Europe.

¹⁶⁸ J. R. Young, *The Scottish Parliament 1639 – 1661, A Political and Constitutional Analysis*, (1996); J. R. Young, ‘The Scottish Parliament and the Covenanting Revolution: The Emergence of a Scottish Commons’, in J. R. Young (ed.), *Celtic Dimensions of the British Civil Wars*, (1997), 164-181.

¹⁶⁹ M. D. Young (ed.), *The Parliaments of Scotland, Burgh and Shire Commissioners*, Vol. II, (1993), 817.

CHAPTER 2

The Scottish Nobility 1689 - 1702

From 1689 – 1702 over one hundred titled peers sat in the Convention Parliament representing almost one hundred different titles.¹⁷⁰ Considering their position at the pinnacle of Scottish elite society, a disproportionate amount of the limited research to tackle the Revolution has concentrated on the parliamentary peerage.¹⁷¹ Little of this has been favourable, the nobility cast as either self-interested place-seekers or cautious time-servers, whose single largest contribution to the Revolution was to remain aloof, actively committing to neither side, while their constant factious intrigues effectively brought Parliament to its knees. However, is this an accurate account of the nobility's role in the Revolution or the localities, particularly with regards their affect on local electoral politics? Considering the notion of general crisis in the seventeenth century, and its associated financial and social implications, had the power of the landed elite been eroded or altered by the later seventeenth century, their established position challenged by new men? In conclusion is it possible to substantially revise the nobility's contribution to the Scottish Revolution, providing a more accurate representation of elite society?

From the outset, information concerning the 1689 electoral summons illustrates that the Scots émigré community, ably assisted by their equivalents recently arrived from Scotland, were the influence behind the unique procedure observed in managing the general election. Convened at Whitehall on Wednesday 9 January 1689, the address

¹⁷⁰ See appendix 1.

¹⁷¹ Riley, *King William*; I. B. Cowan, 'The Reluctant Revolutionaries: Scotland in 1688', in E. Cruickshanks (ed.), *By Force or By Default? The Revolution of 1688 – 1689*, (1989); B. P. Lenman, 'The Scottish Nobility and the Revolution of 1688 – 1689', in R. Beddard (ed.), *The Revolutions of 1688*, (Oxford, 1991).

of the Scottish nobility and gentry delivered to the Prince of Orange contained the following recommendation suggesting the manner in which the Convention should be elected. It stated

that the Publication of these Your Letters or Proclamation, be by the Sheriff or Stewart Clerks, for the Free-holders, who have the value of Lands, holden according to Law, for making Elections: And by the Town Clerks of the severall Buroughs, for the Meeting of the whole Burgesses of the respective Royal-Buroughs, to make their Elections at least Fifteen Days before the Meeting of the Estates at Edinburgh, and the respective Clerks to make Intimation therof, at least Ten Dayes before the Meetings for Elections, and that the whole Electors and Members of the said Meeting at Edinburgh, qualified as above exprest, be Protestants, without any other Exception, or Limitation whatsoever...¹⁷²

This had important implications for contemporary electoral procedure. The stipulation that there should be no limitations imposed on either the electors or elected, apart from the fact that they were Protestant, and in the shires qualified by law, gave authority for the Test act – which taken in conjunction with the earlier act of succession implied that the monarch was supreme governor of the Kirk – to be abandoned. Similarly the innovative proviso that burgh representation should be chosen by ‘...the whole Burgesses...’, had a considerable effect on the composition of the third estate. Consideration of James’s extensive burgh reforms had occurred in council on 15 December 1688, when it was resolved to address the Prince of Orange for a free Parlia-

¹⁷² Proceedings, II, 295.

ment ‘...without mentioning the restoring the borrows to the electione of ther magistrates...’¹⁷³ However, it was again debated on 8 January, when Andrew Fletcher of Saltoun recalled, ‘...[we] have met these three days bygone and proceeded to things upon the matter much like what the English have done, only we find great difficulty as to the regulation of the elections for burghs in the desired Convention’.¹⁷⁴ Nonetheless, only thirteen of the sixty-five burgh members who sat in the Convention of Estates had been members of the former Parliament of King James VII, sixty-nine percent of the estate – forty-five commissioners – having no previous parliamentary experience. Taking into account the King’s extensive interference in burgh politics, it is quite an achievement that his policies had little residual effect. Commenting on this, Colin Lindsay, third earl of Balcarres, recognised that the stipulation that ‘...Protestants without distinction should have a vote in the elections...’, in addition to ‘...many of the Episcopal party their having scruples to meet upon the Prince’s orders...’, guaranteed that the Revolutioner interest carried the bulk of available places, a matter that receives further consideration in the following chapter.¹⁷⁵

Balcarres’s comments are consistent with the above statistics, and the opinion expressed by George Mackenzie, first viscount of Tarbat. Discussing the religious divisions characteristic of seventeenth-century Scotland, Tarbat offers further indication of the significance of the burgh election, indicating that as a result of recent procedure, Presbyterians were more numerous, although he added that ‘...the major part of

¹⁷³ NLS 7026/84.

¹⁷⁴ T. C. Smout, ‘The Road to Union’, in G. Holmes (ed.), *Britain After the Glorious Revolution*, (London, 1969), 183-184.

¹⁷⁵ Balcarres, 24; *Scotland’s Ruine, Lockhart of Carnwath’s Memoirs of the Union*, D. Szechi (ed.), (Aberdeen, 1995), 8. The term ‘Revolutioner’ was contemporary, and certainly used by George Lockhart of Carnwath to describe those participating in the Revolution. Neither ‘Williamite’ or ‘Presbyterian’ adequately describe the opposition interest from 1689 – 1702, hence, while something of a generalisation, ‘Revolutioner’ is used throughout the thesis.

the Nobility and Barones are not for Presbitry'.¹⁷⁶ However, although these contemporary commentators provide valuable information regarding the nature and consequence of the electoral summons, they do not fully explain its origin. Balcarres attributed the illegality of proceedings to the Prince of Orange, although, allowing for the latter's limited knowledge of Scottish politics, this is unlikely. A more probable explanation is forwarded by an anonymous Jacobite in a letter to James Seton, fourth earl of Dunfermline, dated 20 January 1689. The rather optimistic correspondent reported the following.

I hav sein some letters which say that last weik the Earl of Sutherland, Lord Melvill, [and] Stair presented ane adres to the Prince of Orange, wherin they desyred the Prince might call ane convention of esteats or parliament in Scotland, wherin all the freeholders might have ane woat, and thos chosen for the burrows might be elected by all the inhabitants of each burgh, and that he might resave ane list of grievances committed by thos in government. The Prince answered the first wes ane noveltie and wold not consent to it, nather wold he resave any accusations against any person.¹⁷⁷

The content of the '...adres...' described above, is similar to that which incorporated the eventual electoral summons, suggesting that they relate to one and the same. Nevertheless, the notion that all freeholders might have '...ane woat...' in shire politics is contrary to the final draft of the summons. Likewise, in this instance '...ane list of grievances...' is almost certainly a reference to the proposed incapacitating act – debarring those deemed undesirable from future public service. This formed no part of

¹⁷⁶ *Leven and Melville Papers*, 125.

¹⁷⁷ NAS GD 26/8/1.

the final Whitehall negotiation. In addition, the address inviting the Prince of Orange to accept the administration of Scottish affairs, was presented by William Douglas, third duke of Hamilton, president of the meeting. In this respect, it is likely that the Jacobite informant was describing a preliminary meeting, possibly one of those mentioned by Saltoun. Bearing this in mind it is possible to provide an accurate indication of the men behind consequent electoral procedure.

Those mentioned in the above letter, George, fourteenth earl of Sutherland; George, fourth lord Melville; and Sir James Dalrymple of Stair, 1st Bt. – created viscount of Stair on 21 April 1690 – were three of the Scottish émigré contingent who accompanied the Prince's expedition in November 1688 – as was Saltoun, who obviously attended these initial meetings. They all had knowledge of Scottish affairs and parliamentary procedure, and the fact that the summons was designed to hamper the Jacobite interest, is consistent with advice they would have given the Prince. However, the above should be kept in perspective. The resultant election was not the product of some radical new political doctrine. In effect, the decision to suspend the Test act was not surprising, taking into consideration its association with the excesses of Stewart government, and the substantial numbers who had refused to accept it. Even so, new procedure with regards the burgh election suggests electoral manipulation on a substantial scale. This requires further definition in a following chapter, but from this opening stage, it seems reasonable to conclude that Scottish policy of the period was not necessarily determined by the avarice or personal rivalries of the nobility, in this instance having a more sophisticated objective.

Nonetheless the intention of this work was to establish the effect of this procedure on the nobility and their localities. Before giving this fuller discussion, some appreciation of the available sources helps explain the strengths and weaknesses of the subsequent research. In a recent article H. M. Scott and C. Storrs commented on the contradictory nature of sources regarding Europe's elite. 'On the one hand, more records are likely to be available than for subordinate groups above all the peasantry. At the same time, however, the nobility presents some source problems all of its own. The papers of many families simply do not survive, or where they do either remain inaccessible or have not been adequately catalogued, or are in fragmentary form'.¹⁷⁸ Unfortunately, this is all too applicable with regards the private papers and correspondence of the later seventeenth-century Scottish elite. While an abundance of sources exist, they vary greatly in quality, and in several cases attempting to explain the obvious gaps, is as interesting as what has survived. Nevertheless, as mentioned, some collections are far more complete than others, and in this respect it is virtually impossible to label any source as typical. Despite this, it is necessary to emphasise one recurring trend, which is of some consequence bearing in mind the original objectives of this chapter. A large amount of material survives concerning the nobility's role in national politics, but the period is characterised by an absence of correspondence – either public or private – from 1688 – 1690, which could confirm the activities of the elite on a regional level. It is still possible to construct a relatively sound hypothesis with regards the nobility's influence over regional politics, but the lack of obvious documentary evidence is particularly frustrating. This raises the question whether this inadequacy is purely coincidental, or is it possible to provide a more accurate explanation for this paucity of fact.

¹⁷⁸ H. M. Scott and C. Storrs, 'Introduction: The Consolidation of Noble Power in Europe, c.1600-1800', in H M. Scott (ed.), The European Nobilities in the Seventeenth and Eighteenth Centuries, Western Europe, Vol. I, (1995), Page 2.

Risking a charge of oversimplification, caution would appear the most natural reason why little of this potentially treasonable evidence survives – assuming that it ever did.¹⁷⁹ Certainly a number of examples exist which lend support to this suggestion. Writing to Melville in July 1689, William Lindsay, eighteenth earl of Crawford stated

What letters I write to you shall be conveyed in the same manner as of late, and what are intended for me, may be transmitted to me under a cover, either to John Blair or George Stirling, without any direction on the back, or appellation within, or subscription by you...the correspondence will be saife, and each of us perfectly understood, and the utmost freedom in writing may be ventured on, all your letters, after reading being still burnt...¹⁸⁰

The above suggests that Crawford was going to considerable lengths to ensure that his correspondence remained private. Additionally, the indication that letters were deliberately destroyed as a means of security is worthy of some consideration. However, the fact that several items Crawford endorsed with the instruction ‘...read, and burn this...’, survived to be published in the ‘Leven and Melville Papers’, indicates that others were less meticulous when dealing with correspondence. Admittedly, this cloak and dagger interpretation of the sources – or lack of sources – is purely conjecture, and more applicable to items of political importance.¹⁸¹ It would be surprising if the

¹⁷⁹ B. P. Lenman, ‘The Poverty of Political Theory in the Scottish Revolution of 1688 – 1690’, in L. G. Schwoerer (ed.), *The Revolution of 1688 – 1689 – Changing Perspectives*, (1992), 251. Lenman considers that James turned his kingdoms into a psychological prison camp for the political nation, recognising that in dealing with ‘...James Stuart, a man was wise to put nothing on paper that might assist his prosecution for treason’.

¹⁸⁰ *Leven and Melville Papers*, 260.

¹⁸¹ *Ibid.*, 171. This letter concerning the behaviour of the duke of Hamilton, provides a good example of the content of the items Crawford desired to be destroyed. ‘The Commissioners temper is such in the Parliament and Council, that his interest in both is much fallen, in so farr that there is als great a wearying of him by all ranks, as ever was of any trust in this nation. The frequent adjournments, discouraging

nobility used the same discretion in purely local affairs. Perhaps, had the elite been actively involved in soliciting support for either party – as the following evidence suggests – it was done by word of mouth, or the relevant documents would have been found among the papers of local lairdly families, the survival rate of which is particularly poor.¹⁸²

However, the following statement, made by Balcarres, suggests that the nobility were actively involved in local electioneering. In an attempt to influence the composition of the Convention, he and other Jacobite lords

applied to all our friends to labour to have such members chosen as might be proper for our designs.¹⁸³

This is illustrated by the direct participation of Charles, sixth earl of Home, and George, Lord Livingstone, in contemporary regional politics. Home attempted to secure election as a representative for Berwickshire, on the grounds that he had never assumed his title, but the estates resolved that ‘...by the death of his brother James Earl of Home, and having been employed in council and militia under that designation, it is the opinion of the committee that he is in the rank of noblemen and not of the barons, and therefore that he is incapable to be a commissioner for that shire...’¹⁸⁴ Likewise, Lord Livingstone’s commission as representative of the burgh of Linlithgow, was rejected as he was ‘...the eldest son of a peer, and secondly in respect Wil-

language, peremptoriness in all Judicatories, examination of suspect persons by himselfe without other witnesses, ready dismissing of them, hath putt the nation in a great fright. Read, and burn this...’

¹⁸² *More Culloden Papers, 1626 – 1704*, I, D. Warrand (ed.), (Inverness, 1923), 205. It is interesting to note that the editor of the above noted a similar situation, much of the correspondence of this period being ‘...lost or destroyed...’

¹⁸³ Balcarres, 22.

¹⁸⁴ *APS*, IX, 7. For further information on both these elections see chapters 2 and 3.

liam Higgins was more legally and formally elected by the pluralitie of the votes of the burgesses'.¹⁸⁵ Both these cases are consistent with the general hypothesis that the 1689 elections were contested between Jacobites and Revolutioner candidates. Though, the fact that both examples directly involve noblemen is worthy of some consideration.

While the above illustrates the participation of two Jacobite noblemen in the Convention elections, a number were active in a less obvious, but equally influential capacity. For example, the commissioner for the burgh of Brechin was Henry Maule of Kellie, brother of James, fourth earl of Panmure. Both held Jacobite sympathies, and absented themselves from the Convention and subsequent Parliament. Likewise in Cullen, the burgh returned James Ogilvie, second son of James, third earl of Findlater. Ogilvie was one of the few who opposed the deposition of James VII, but soon conformed, being elevated to the peerage as viscount of Seafield in 1698. However, this approach is not restricted to the Jacobite nobility. The representative of Culross, William Erskine of Torry, was the brother of the émigré, Henry, third lord Cardross. Similarly in Kincardineshire, both commissioners, Sir Thomas Burnet of Leys, 3rd Bt. and Alexander Arbuthnott of Knox, were relatives of the Presbyterian peer, Robert, third viscount of Arbuthnott.¹⁸⁶ Even though there is no definite evidence to involve the landed elite in these elections, it would seem naïve to attribute the respective returns wholly to coincidence.

By adopting a more general approach, it is possible to identify further significant trends. For example, throughout the period, influential Campbell and Gordon lairds

¹⁸⁵ Ibid., 10.

¹⁸⁶ Sir Thomas Burnett of Leys, 3rd Bt., was Viscount Arbuthnott's brother-in-law, Alexander Arbuthnott of Knox his uncle.

perennially represented Argyll and Sutherland in Parliament. Obviously, this was not unique to the Revolution era, but in a society traditionally considered more patriarchal than its Lowland counterpart, it would be surprising if either Archibald Campbell, tenth earl of Argyll, or George, fourteenth earl of Sutherland – both part of the Scots émigré contingent – exerted no influence over parliamentary nomination. Still, there may be some danger in overemphasising the significance of the above, particularly with regards Argyll. In a letter to Melville, dated 13 August 1689, Sir John Dalrymple, Kt., mentioned a quarrel between Argyll and Sir Duncan Campbell of Auchinbreck, 4th Bt. – one of the shire representatives – and the ‘...best part of his naim...’¹⁸⁷ Likewise, the survival of at least two letters from John Campbell, first earl of Breadalbane, to the Campbell lairds of Inerzeldie and Balliveolan, regarding raising an army in late 1688 – almost certainly for James VII – perhaps suggests that Argyll’s authority had been undermined in his absence¹⁸⁸ Although Breadalbane claimed that the restoration of Argyll was part of his motivation, when John Graham, first viscount of Dundee wrote ‘...If Argyl wer out of the way Breadalben would be all in those contreys and have the wholl name to follou him...’, he may not have been far from the mark.¹⁸⁹ In this respect, Argyll’s relative political inactivity in the period 1689 – 1697, beyond attendance in Parliament and regular committee membership, may have stemmed from an immediate need to put his own house in order. Nonetheless, by 1700, John Campbell of Mamore, Charles Campbell, and James Campbell of Burnbank and Boquhan – brothers of the tenth earl – sat in Parliament for Argyll, Camp-

¹⁸⁷ Leven and Melville Papers, 252, 323. It is significant that Auchinbreck requested to be made a viscount on 12 November 1689. Perhaps a result of his relationship with Argyll, his application may also indicate that the lesser nobility aspired to attain higher rank.

¹⁸⁸ NAS GD 13/108; GD 13/109.

¹⁸⁹ ‘Letters of John Graham of Claverhouse’, A. M. Scott (ed.), Miscellany of the Scottish History Society, XI, (Edinburgh, 1990), 257.

beltown, and Renfrewshire respectively, suggesting that his endeavour had been successful.

The above provides some idea of how the regional elite affected local politics, but it has not been possible to fully explore the complex nature of lordship. For example, how significant were traditional bonds of kinship – both real and imagined – in determining voting in Parliament? Likewise, was landholding a principal concern in establishing factions? How important were family and extended family in influencing an individual's political behaviour? These are rather inclusive questions – some of which will be addressed in following chapters – but illustrate the boundaries imposed by source material. Nevertheless this is not a criticism, Parliament was a functional body, and posterity seems to have been of little concern with regards record keeping.

Even so, debate has mainly concentrated on territorial magnates – many from beyond the Highland Line. How did a government minister like George, first earl of Melville, a man whose family did not have several cadet branches or possessions, construct an interest in Parliament. The most obvious answer was patronage. Following his appointment as secretary of state in May 1689, a significant trend in his routine correspondence is apparent. Once he obtained office, more and more individuals began to court Melville, in an attempt to obtain office or recompense in return for a pledge of support and good will. The tenor of the following letter from John Hay of Park, dated 4 June 1689, adequately illustrates this tendency.

My Lord, I know I haw been recommended to your L[ordship] by a frend, bot
thoe ther were nothing of that, my sufferings thes eight and twentie years past

knownen to yow, will easile prompt your Lo[rds]hip], a man of pietie, honor and parts, to tak car of me, and to put me in som condition to repair the breaches of an old familie, rwind by publiqw oppresions. I shall say noe mor bot thrwst my selfe vpon yor L[ordship's] car and friendship...¹⁹⁰

It seems probable that Melville was provided with funds exclusively for this purpose. In a letter from Sir David Nairn – who dealt almost exclusively with the families financial affairs – dated 17 April 1690, at which time Melville was serving as the King's commissioner to Parliament, Nairn mentions receiving '...a thousand pounds for the Earle of Leven's Reg[iment] two thousand for your Grace and twelve hundred to be divided by your Grace...' ¹⁹¹ For what purpose this twelve hundred pounds was to be divided is open to conjecture, but a source of patronage is the most likely explanation. ¹⁹²

However, Sir David Nairn was not only employed as a financier. Correspondence suggests that Nairn, Sir William Lockhart, and a Mr. Scrymgeour, among others, were employed by Melville in various capacities, providing a regular and reliable source of information and advice regarding public affairs. For example, on 27 July 1689, Lockhart wrote

you should give intimation to such a number of your as will make ane appearance as considerable as the Club. You have my Lord Cassillis, Kintor, Carmichael, Ruven, Sir Robert Sintclair, Blackbaronie, and severall others, when

¹⁹⁰ Leven and Melville Papers, 42.

¹⁹¹ NAS GD 26/13/43.

¹⁹² This is comparable to the substantial patronage made available to James Douglas, second duke of Queensberry, King's commissioner during the court's struggle with the country party 1700 – 1702.

your Lordship hath signified your plesur in the method, ther shall be nothing wanting in me that can conduce to it.¹⁹³

Similarly in an anonymous letter, possibly from Sir David Nairn to David, third earl of Leven, dated 15 October 1689, the author forwarded the following advice.

I humbly conceive that at this tyme Your Lordship and all my Lords friends should advise [the King] to put people in places that are creditable and knowen in the World and avoide putting small poor people in. It is true the last is charity but the first are more capable to doe prejudice if they are altogether shutt out...I think it had been better for the king and myn Lord to give pensions to some who have suffered and may deserve rather than put them all immediately in imployment.¹⁹⁴

The above were not necessarily accomplished political theorists, but they were certainly practical political organisers, exhibiting a level of capability previously unrecognised in Revolution Scotland. Nevertheless, this should not underestimate the significance of family. Melville's sons – David, third earl of Leven, James Melville of Halhill, and Lord Raith, treasurer-depute, all regularly sat in Parliament. Melville was not the political nonentity suggested by Riley.¹⁹⁵

How does this compare with established historiographical themes regarding the political elite? Scottish politics have traditionally been considered as an enduring power struggle between the crown and nobility – centre versus locality the defining feature

¹⁹³ Leven and Melville Papers, 202.

¹⁹⁴ NAS GD 26/13/28.

¹⁹⁵ Riley, King William, 17.

of successive reigns. In contrast to this dated interpretation, an alternative constitutional view of Scottish elite society has caused considerable debate among historians. Crucial to this, is the notion that James II's destruction of the Black Douglasses in 1455, dealt a fatal blow to the great territorial magnates, paving the way for new and lesser men to establish themselves in both local and national politics. This change was institutionalised through the adoption of the peerage rank, lord of Parliament. Consequently, the nobility were divided between the tenants-in-chief required to give personal attendance in the estates, and the remaining small barons obliged to elect representatives to Parliament. It is argued that what followed was the gradual creation of a service nobility with a vested interest in the maintenance of royal government. However, although the days of the great lords may well have been numbered, those who emerged to fill the vacuum ultimately exercised power in an almost identical manner. Whether magnate or lord of Parliament, title was still inextricably associated with land – the traditional measure of political influence in Scotland.

Concurrently, historians have identified a phenomenon that can best be described as the rise of the lairds. The foundation of this analysis appears to rest on a specific interpretation of the 1560 Reformation Parliament. From apparent obscurity, approximately one hundred lairds appeared in the estates clamouring for a voice in central politics. Nonetheless, the fact these small barons had been a feature of Parliament throughout the fifteenth century, questions the emphasis placed on 1560. Likewise, recent research by K. M. Brown, illustrates that while attending the Reformation Parliament in greater numbers, most lairds were clients of the established nobility. Evidently there has been a tendency to misrepresent the role of the lairds in national politics before the sixteenth century. Even so, from this point, they again become an ac-

cepted feature of Parliament. Consequently they were formally admitted as elected shire representatives in 1587 – the legislation mirroring an act past in 1428. J. Goodare has suggested that this confirmed the emergence of a fourth estate in the Scottish Parliament.¹⁹⁶ M. Lynch and J. R. Young have also identified this development, although both attribute its foundation to the Covenanting Revolution.¹⁹⁷ From 1640, the parliamentary representation of the shire estate was effectively doubled, and it is argued that their role in an increasingly bureaucratic central government saw their status enhanced in respect to the titled nobility. This has been challenged by J. J. Scally, who contends that any alteration in the composition of Parliament was tempered by the fact that the nobility retained their position as the natural leaders of politics and party.¹⁹⁸ Clearly, there is little academic consensus with regards the structure of Scottish political society.

Chronologically, the Revolution at first appears to provide evidence supportive of social change. In general, there is substantial continuity with the Covenanting era, compounded by the fact that in June 1690, shire representation was again increased, this time by approximately fifty percent – the equivalent of an additional twenty-six seats. From this point there is reason to believe that shire commissioners formed the single largest estate in Parliament. Considered as part of a process with its origins in the fifteenth century, there appears to be an element of natural progression in this. Still, lacking context these statistics are relatively abstract, and far from conclusive proof of any radical swing in the balance of power indicating that the shires and burghs en-

¹⁹⁶ J. Goodare, 'The Estates in the Scottish Parliament 1286 – 1707', in C. Jones (ed.), The Scots and Parliament, (1996), 31.

¹⁹⁷ M. Lynch, Scotland A New History, (1991), 253; J. R. Young 'The Scottish Parliament and the Covenanting Revolution: The Emergence of a Scottish Commons' in Celtic Dimensions of the British Civil War, J. R. Young (ed.), (Edinburgh, 1997), 181.

¹⁹⁸ J. J. Scally, 'Constitutional Revolution, Party and Faction in the Scottish Parliaments of Charles I', in C. Jones (ed.), The Scots and Parliament, (1996), 73.

joyed enhanced parliamentary status at the expense of the nobility, even in relative terms.¹⁹⁹

Still, the composition of the new Privy Council may lend some support to the above proposal. The commission, dated 27 May 1689, named George, hereditary Prince of Denmark – the King's brother-in-law – twenty-seven noblemen, and fourteen lairds.²⁰⁰ This provoked some criticism on the grounds that it was perceived to represent the Melville and Dalrymple interest, but it seems contemporaries also noted the large number of lairds. Sir James Stewart of Goodtrees, 1st Bt., lord advocate, commented that '...ther be more Barrons named nor ever was knowen to be of the council...'²⁰¹ In recent years there had been fewer lairds on the council, although in this instance, it seems it was each individuals' part in the Revolution, rather than rank, that determined inclusion – the balance of council places remaining constant throughout the reign. In addition, in council meetings, noblemen maintained a numerical superiority on a day-to-day basis. Balcarres makes no mention of the council's composition, but rather that '...in it were named some, more for show of their families than any value of their persons or esteem of their parts, such as the Marquis of Douglas, Earl Marischal, Earls of Errol, Morton and Eglinton, who, although not Presbyterians, yet they were sure would not oppose things to be done...'²⁰² In this instance, the fact that Balcarres highlights the importance of kin is of some significance.

¹⁹⁹ J. R. Young 'The Scottish Parliament and the Covenanting Revolution: The Emergence of a Scottish Commons' in *Celtic Dimensions of the British Civil War*, J. R. Young (ed.), (Edinburgh, 1997), 181.

²⁰⁰ *RPCS*, XIII, 1686-1689, H. Paton (ed.), (Edinburgh, 1932), 378. The council included the likes of Sir James Montgomerie of Skelmorlie, 4th Bt., Sir Patrick Home of Polwarth, 2nd Bt., Ludovic Grant of that ilk, James Brodie of that ilk, Sir Robert Sinclair of Stevenson, 3rd Bt., and Adam Cockburn of Ormiston, who had been active in the Revolution.

²⁰¹ *Leven and Melville Papers*, 23.

²⁰² *Balcarres*, 43.

Nevertheless, in the broader European context, did the suggested seventeenth-century general crisis affect the Scottish elite? The major factor contributing to this has been identified as economic, with a shift in the balance of wealth from the financially burdened nobility towards the commercial interest and civil servants. 'Everywhere in Europe nobles appeared to be struggling to pay their debts, mortgaging their lands and selling out to new families from different backgrounds who quickly took on the traditional roles of the nobility'.²⁰³ By association, proponents of crisis suggest that the nobility's role in the localities was changing, as their traditional authority was undermined. On the other hand, contrary interpretation would suggest that the nobility enjoyed a period of 'consolidation'.²⁰⁴ In Scotland, how applicable is this notion of crisis and the concept of noble indebtedness? Undoubtedly, a substantial body of evidence survives which indicates that the finances of several members of the titled peerage were far from healthy. For example, in May 1689, in an attempt to receive favour from the King and secure a '...publickt place of state...', Charles Erskine, fifth earl of Mar, claimed his affairs were such that he '...cannot subsist to doe his Majestie that service my duty binds me to, and my family will certainly perish unless his Majestie support the same'.²⁰⁵ The earl's opposition to James's pro-active Catholic policy had cost him his hereditary office as keeper of Stirling castle – a fact that makes his flirtation with Jacobitism in 1689 all the more surprising, although not unusual.²⁰⁶ Despite being restored to this office in April, Mar claimed that '...the diverse ample fees privileges and emoluments belonging to the said office...' ²⁰⁷ were, in themselves, not an

²⁰³ K. M. Brown, *Noble Society in Scotland, Wealth, Family and Culture From Reformation to Revolution*, (Edinburgh, 2000), 92.

²⁰⁴ H. M. Scott and C. Storrs, 'Introduction: The Consolidation of Noble Power in Europe, c.1600-1800', in H. M. Scott (ed.), *The European Nobilities in the Seventeenth and Eighteenth Centuries, Western Europe*, Vol. I, (1995), 8.

²⁰⁵ *Leven and Melville Papers*, 18.

²⁰⁶ NAS GD 406/1/3508, On 29 March 1689, Melfort wrote to his brother chancellor Perth, that '...the Earl of Mar will declare for the King...'

²⁰⁷ APS, IX, 67-68.

adequate solution to his financial problems – a fact illustrated by a number of letters from the first half of 1697, highlighting the attempts of various individuals to obtain royal patronage for his son John, sixth earl.²⁰⁸ However, this tends to overemphasise the significance of Mar's financial state, and alone, cannot be taken as conclusive proof of a noble crisis. The order observed at the funeral of the fifth earl, places this economic approach in some context. Seventeenth-century funerals were hugely expensive and one of the costliest of all family responsibilities. Attended by a large number of noblemen '...and a great many other barrons and gentlemen...', the cortege made its way to the church of Alloa, where the earl was interred, accompanied by '...a round of the wholl cannon of Sterline Castle fyred three tymes...', and with footmen stationed on either side to '...keep of the crowd...' The procession sounds particularly impressive, and to a current observer, akin to a ceremony reserved exclusively for a national hero or member of the monarchy.²⁰⁹ This pomp may have plunged the Erskines further into debt, and can perhaps be identified by critics as an attempt to reconfirm the status of a waning elite. Even so, this obvious show of grandeur – confirming the established status of the earldom with an overt show of rank and privilege – is somewhat damaging to the notion of crisis.

Nonetheless, as mentioned, the circumstances of Mar were by no means unique, and therefore the subject demands further attention. William Lindsay, eighteenth earl of Crawford – whose financial condition was attributable to both the extravagance of his father, and his own standing as a committed Presbyterian and therefore an obvious

²⁰⁸ NAS GD 124/15/204.

²⁰⁹ Ibid.; GD 124/15/192. The document outlines the order of service and procession, and has been annotated to include a description of events and a partial roll of those present. It would appear, that the following members of the nobility actually participated in the funeral service – '...Earle of Callander, Earle of Panmoore, Earle of Kincardine, Viscout [Strath]jallon, Lord Elphinstone, Lord Duffus, Lord Livingstone, Lord Colville, and Lord Colchester...'

target for the administrations of both Charles II and James VII – was also suffering from financial difficulties. In August 1689, he wrote that

as I never had a six pence from my father, besides what was employed on my education, so I devested my selfe of all that I had upon any other title, for the payment of his debt, that the memory of so good a man, and so kind a father, might not suffer by the neglect of a son that owed all things to him...on the other hand, being that his debt did more than exhaust what either he or I had of estate, I pretend to nothing upon any former claime of his...²¹⁰

Crawford's religious preference makes him a far from typical example. In the main, the Presbyterian elite suffered disproportionately under Stewart rule, and although this should not give the impression that Presbyterians had the monopoly on dissent, fines or forfeitures, it complicates any attempt to compile a hypothesis in favour of general financial decline. In Scotland therefore, it would seem fair to suggest that there was no common economic experience.²¹¹ The Civil Wars, the Interregnum, the Restoration, and ultimately the Revolution, took their toll on wealth, but the result was determined by the politics and participation of individual families. In Scotland, some like William Douglas, first duke of Queensberry, fared much better than other noble houses who '...faded into provincial obscurity, their fate sealed by political error, religious choices, improvident living, biological misfortune and bad luck'.²¹² In this re-

²¹⁰ Leven and Melville Papers, 259.

²¹¹ K. M. Brown, Noble Society in Scotland, Wealth, Family and Culture From Reformation to Revolution, (Edinburgh, 2000), 92-93, 109.

²¹² K. M. Brown, Noble Society in Scotland, Wealth, Family and Culture From Reformation to Revolution, (Edinburgh, 2000), 93; H. M. Scott and C. Storrs, 'Introduction: The Consolidation of Noble Power in Europe, c.160-1800', in H. M. Scott (ed.), The European Nobilities in the Seventeenth and Eighteenth Centuries, Western Europe, Vol. I, (1995), 8. This approach is more in tune with contemporary historical thought, illustrated by the comments of the above authors. 'Individual families and even whole sections of the nobility clearly experienced real economic difficulties, particularly in the seven-

spect, it would be naïve to suggest that these elements had a localised effect, and had no consequence for the lesser nobility and burgess elite, who were equally, if not more susceptible to fluctuating economic trends.

Consequently does the above support the existence of a fourth estate in the Scottish Parliament? By restricting analysis to contemporary terminology the answer is almost certainly positive. In sederunt, committee and legislation, shire commissioners were invariably identified as a separate estate. However, what does this imply? In the absence of the bishops, the medieval notion that society comprised those who prayed, those who fought, and those who worked, was somewhat archaic. Arguably the continued use of this term was as much an attempt to provide administrative continuity as an accurate division of the political elite. Nevertheless, beyond doubt is the fact that the period saw a significant change in the composition of Parliament. In June 1690, shire representation was increased for the second time in fifty years. It would be tempting to consider this as the successful conclusion of a political power struggle originating in 1560. However, of the twenty-six new seats, at least six were granted to representatives of noble families. For instance, in Fife, election was secured by James Melville of Halhill, fifth son of George, first earl of Melville, and his father-in-law, George Moncrieff of Reidie. Likewise Francis Montgomerie of Giffen was the brother of Alexander Montgomerie, eighth earl of Eglinton, and Sir John Gilmour of Craigmillar, 1st Bt., the brother-in-law of William, twelfth lord Ross. Realistically, were these individuals representative of some autonomous socio-political class, or the interest of the respective noble houses? The same question can be asked of the fifty-six shire commissioners who sat in the Convention. Of this number, at least twenty-three

teenth century, but the elite as a whole surmounted these problems and prospered during the decades of renewed economic expansion which followed’.

were related to members of the titled nobility – mainly through marriage – while a further two were created peers before 1700. In comparison, these statistics have no equivalent in the burghs, where only four of sixty-five commissioners – all the younger sons of noblemen – can currently be categorised in this manner. If nothing else, these figures suggest a considerable degree of social contact within noble and shire communities, which questions any notion that they constituted distinct interest groups.

Seventeenth-century Scottish society was undoubtedly hierarchical. However, to suggest that the shire community had become a coherent estate, would intimate that they occupied a particular position on some vertical social scale. Likewise, to suggest that they enjoyed enhanced status at the expense of the nobility implies a significant level of social conflict. This was almost the model described by Sir John Dalrymple on 25 June 1689. In defence of the committee of the articles, he wrote, that without their guidance ‘...its only the Soverain that can hold the baulanc, that on party or interest do not run down the other, either via facti, or by law as Scotsmen ar always ready to do; for the peers wold run down the barrons, and thes the borrous, and the gentry and nobility the treading people and commons...’²¹³ In this instance, while subscribing to the contemporary view that the lairds formed one of the three estates, what is important is the general division of society between those who held land and those who did not. In balance this was the real factor that determined demarcation in elite society. Land was still a principal source of political and social control. To describe the shire community as an independent self-aware class group is to ignore the complex social infrastructure, which still permeated and underpinned Scottish politics.

²¹³ Leven and Melville Papers, 82.

Considered as a particular part of an insular, sterile society, there would be reason to conclude that the shire community formed a singular class. However social mobility and the obvious interaction of noble and shire families, tend to blur these artificial divisions. This is illustrated by the fact that it is often impossible to accurately categorise an individual as belonging to any one of the conventional estates. For instance what position would Sir Charles Halkett of Pitfirrane, 1st Bt., occupy in a revised social hierarchy? In the Convention Parliament, the former Fife commissioner, represented the burgh of Dunfermline. Practically hereditary provosts of the ancient capital, his family had derived a considerable fortune from the coal trade, and by the seventeenth century boasted both an extensive estate and impressive country seat. G. Holmes has identified a similar situation in contemporary England, where by 1688, there was a significant cluster of landowners among the baronets, whose wealth made them almost indistinguishable from the formal nobility.²¹⁴ This raises the question what were the characteristic features of a laird? Was it his estate and mansion, his knighthood, social privilege or a grant of arms? In short a laird was distinguished by the trappings of nobility. In this respect Scottish elite society is better considered as a more fluid horizontal model. While still hierarchical, rigid class distinction has little significance.

This is illustrated by the career of Sir Patrick Home of Polwarth, 2nd Bt. One of the émigré contingent, Polwarth was an able man, but found himself overlooked at the Revolution, consequently joining Sir James Montgomerie of Skelmorlie's opposition in Parliament from 1689 – 1690. On 27 May 1689, he wrote to Melville giving his

²¹⁴ Holmes, *Great Power*, 71.

opinion of Hamilton and Queensberry, stating that ‘...I have ever had a jealousy of the two Dukes, if they get into great places, that they will be insupportable, and have all depend on them who ought to depend on the King and Government’.²¹⁵ Likewise, on 2 May 1690, following an animated debate in Parliament, Polwarth was accused by Hamilton ‘...in name of the Peers...’, of making ‘...indecent expressions...to the dishonor of the Peers...’.²¹⁶ Nevertheless, by the end of the year Home had been created first lord Polwarth, probably in return for his role in the defeat of the Club. The new rank obviously sat well with Polwarth, for on 5 December 1696, in the knowledge that he was soon to be named chancellor, he wrote to William Bentinck, first earl of Portland, recalling that ‘...Of the barons or gentry, since K[ing] Ja[m]es The [sixth] came to the crown of England, [four] have been chancellars...all of them were thereupon promoted to the dignity and rank of Earl, None of them at their entry had an estate as good as mine, and indeed my Lord neither is my estate so small in comparison with many others of that rank in this kingdom, nor yet my debt so great but that I might well enough support the rate of that rank...’.²¹⁷ Receiving his patent before the next session of Parliament, in which he served as commissioner, Patrick Home, first earl of Marchmont was keen to establish his lineage. On 16 December 1697, he approached colonel Gustavus Hamilton – his daughter-in-law, lady Polwarth’s father – desiring that he ‘...take the pains to inform me of my daughter Pollwarths lineage by her mother...who was the ladie Humes mother, who her two grand mothers by the father and mother, who the two grand mothers of each of her two grand mothers, These we call the brenches of lineaage and I believe these that I have mentioned take us back to the Duke of Chatelhero...’.²¹⁸ Evidently, Marchmont had few difficulties adapting to

²¹⁵ *Leven and Melville Papers*, 29.

²¹⁶ APS, IX, 141.

²¹⁷ NAS GD 158/964.

²¹⁸ NAS GD 158/964, fol. 293.

the role of titled peer – his earlier criticism of the nobility forgotten when he joined their ranks.

In Britain only the nobility enjoyed corporate status, though the social detachment this implied was theoretical rather than physical.²¹⁹ The reality was a privileged society not dissimilar to that found in continental Europe. What distinguished the likes of William Douglas, third duke of Hamilton, Robert, third viscount of Arbuthnott and Sir William Anstruther of that ilk, Kt., was the fact that they were established members of landed society. On the evidence of local elections all – whether noble or laird – exerted their influence in a similar manner. What differentiated one from another was the extent of this influence. For Anstruther this encompassed the East Neuk, for Hamilton much of south-western Scotland.

Nonetheless, to consider the political elite purely in parliamentary terms has a rather dehumanising effect. By concentrating on title, historians lose sight of the individual, contributing to a one-dimensional interpretation. To take the Convention as an example, the noble estate consisted of men between the ages of approximately seventy-eight and twenty-three, illustrative of only one of several factors that contributed to the behaviour of this diverse group. Even so, it is possible to attempt some redress. A considerable amount of personal correspondence survives, which has little significance with regards politics, but provides a valuable insight in to the lives of the Scottish elite. The Hamilton collection is a particularly good source of this miscellaneous information. For example, in late 1688, the countess of Arran, wrote to her husband

²¹⁹ K. M. Brown, *Noble Society in Scotland, Wealth, Family and Culture, From Reformation to Revolution*, (Edinburgh, 2000), 11. The appropriation of the English model of nobility has added to confusion concerning Scottish noble society. In Scotland, the nobility was not just the parliamentary peerage, consistent with the greater part of Europe. In addition, the primarily French creation of a *noblesse de robe* or administrative nobility, has influenced discussion of the Scottish elite.

James, informing him that she ‘...could not have believed that three moneths acquaintance could have made a weeks absence so very uneasie for me...’²²⁰ Arran and his wife had a good relationship, the earl obviously affected by her early death in May 1690. His letters reflect his ‘melancholy’ condition, and as late as 1692, in a letter to his former sister-in-law, he mentioned that his daughter had begun to speak, but that he could never look at her without grieving for his wife.²²¹ These are hardly the reactions one would expect from the stereotypical Scottish nobleman. Likewise, in September 1692, David, third earl of Leven received a letter from Schwerin, master of horse to the King of Prussia, acknowledging the receipt of two horses presented by Leven to the King.²²² This certainly questions the traditional notion that the Scottish elite was insular. The majority of these men were educated, many to contemporary university standards, while others had travelled extensively. Taking this into account, the seventeenth-century peerage had little in common with the fictional ‘robber-barons’ who inhabited Riley’s Scotland. The nobility were individuals, and as individuals were prone to the same eccentricities that affect current society. Their reactions cannot always be explained in terms of family and party, and certainly not determined within the limited parameters imposed by Riley’s analysis.

For the most part the traditional understanding that society comprised three or four estates had little significant bearing on the Convention Parliament. In effect a plausible case can be made for the continued relevance of only two – the barons and the burghs – although the distinction between them is not always clear. On the contrary, J. Young has argued that from the 1640s there was a convergence of burgh and shire interests, signalling the emergence of a ‘Scottish Commons’. This seems to have little

²²⁰ NAS GD 406/1/6630.

²²¹ NAS GD 406/1/7615.

²²² NAS GD 26/13/416.

significance with regards Revolution politics. If this period was distinguished by any important change in the constitution of Parliament, it was characterised by a numerical shift towards the landed – the nobility and shire community. In addition to those places provided in 1690, the economic problems that afflicted many smaller burghs, enabled landed, or on occasion state sponsored candidates to win seats formerly occupied by legitimate members of the third estate. While this notion requires further elaboration in the following chapters, the role of landed society in local politics needs little further explanation – appearing more decisive in local politics than in the national arena where their conduct was shaped by an equal blend of diplomacy, discretion and duplicity, their ambiguous public role balanced by their active participation behind the scenes. In this respect, were they – ably abetted by the recently enfranchised burgh electorate – the architects of the Scottish Revolution? The comment of a contemporary Episcopalian clergyman provides a fitting conclusion. He wrote

it is past doubt that the whole power and interest in Scotland lyes in the nobility and Gentry, but chiefly in the nobility, and Chiefs: and who hath them hath Scotland.²²³

²²³ NAS GD 112/43/17/5.

CHAPTER 3

Revolution in the Royal Burghs 1689 – 1697

Coercion and Consolidation

It is impossible to fully appreciate the significance of events that helped shape the municipal elections of the Revolution era – at both a national and local level – without some understanding of the unprecedented levels of royal intervention that characterised the relationship of James VII and the burgh estate. This was largely the result of the King's failed attempt to secure toleration for Catholicism in the 1686 session of Parliament. Despite sanctioning considerable government pressure, with the added incentive of free trade with England, crown religious initiatives were soundly beaten by an alarmingly independent Parliament. Foremost among the opposition were the burghs, described by Sir John Lauder of Fountainhall, 2nd Bt., as '...the brazen wall the Papists found hardest...' ²²⁴ This explains consequent royal policy designed to subordinate Parliament by more authoritative means. What was the extent of this procedure, and how successful was it? How did the ascendant Revolutioners deal with the detritus of Stewart government? Finally, through detailed study of electoral returns, is there evidence of contest between Jacobite and Revolutioner candidates, similar to that associated with the two party system identified in England?

On 4 September 1686, James VII sent a letter to James Drummond, fourth earl of Perth, Catholic convert, and lord chancellor of Scotland, instructing him '...to consider what Burroughs did in the last Session of our Parliament concur with [my] desires, and will in all probability elect such magistrates as will continue to do so...'

²²⁴ Sir J. Lauder of Fountainhall, *Historical Notices of Scottish Affairs*, Vol. II, D. Laing (ed.), (Bannatyne Club, 1848).

Burghs, whose recent behaviour was considered satisfactory, were authorised to continue with their municipal elections. For those numbered among the opposition, lists of magistrates and councillors thought likely to be more accommodating were to be delivered to the King for his nomination.²²⁵ This was followed on 12 September by another letter addressed to the burghs, signifying

...that all elections in royall Burrowes be suspended untile his royall pleasure be known theranent, You are therfor in pursuance thereof heirby expresly prohibited and discharged as you will answer at your perill, To elect any new magistrats or counsell in your burgh for this yeir, and you and the present counsell are by his majesties authoritie heirby authorized to continue and exerce as magistrats and counsell untile his majestie shall signify his further pleasure...²²⁶

The government lost no time in exploiting the resultant municipal void. By October they had begun to implement royal policy, imposing crown nominees on burghs throughout Scotland. Linlithgow provides an apparently typical example of this methodical process. On 18 September, the day the town clerk made intimation of the King's instructions, the following were recorded as present in council. Alexander Mylne, provost; Andrew Duncan, Robert Duncan and John Pollock, baillies; James Hamilton, dean of guild; James Young, treasurer; Alexander Merton, George Bell, John Scott, Alexander Edward, William Lithgow, John Byre, John Grieve, James Byre, James Lithgow, John Morrison, John Vardrop, Robert Peebles, Thomas Aird,

²²⁵ Extracts from the Records of the Burgh of Edinburgh 1681 to 1689, M. Wood and H. Armet (eds.), (1954), 183.

²²⁶ NAS B 48/9/4, Linlithgow Burgh Council Minute Book 1673 – 1694, 715.

John Easton and John Cunningham, deacon of the coopers.²²⁷ However, on 16 October, the clerk recorded a letter drafted at Edinburgh the previous day, highlighting the extent of royal reform.

The Kings most excellent majestie is now resolved to nominate and appoint the persons under subscriyved to be magistrats, councillors and deacons of trade for the burgh of Linlithgow, they being such as his majestie does judge most loyall and readie to promote his service and most forward to support the good and interest of the burgh, Therfor the lords of his majesties privie coun- cill in pursuance of his majesties commands aforsaid, Doe heirby nominate and appoint George, Lord Livingstoun to be provest, Alexander Neilson, James Smith, James Bairdie and William Smith to be baillies, Alexander Smith to be dean of gild, John Monteith to be treasurer, Captain Patrick Wishart, Andrew Crauford, James Crauford, Humphray Welsh, James Urqu- hart, James Gordon, John Monteith, treasurer, Thomas Maine, James Young, John Buyre and Robert Storie to be counsellors, and the deacons of the respec- tive trades to be the persons under named, To wit John Morieson, smith, Alex- ander Livingstoun, wright, John Baxter, flesher, James Henrie, couper, Henrie Duncan, baxter, John Vardrop, wiver, James Russell, taylor, and William Ing- lis, shoemaker...²²⁸

In comparative terms, it appears that only four of the twenty-one individuals em- ployed as burgh magistrates in September survived the King's nomination process. This was due to the conduct of the then provost Alexander Mylne, who, in the former

²²⁷ Ibid., 715.

²²⁸ Ibid., 718-719.

session of Parliament, had been employed by the court in an attempt to manage the burgh estate, but defected to the opposition, and now – with the majority of the council – paid the price. However, whether the fact that the government considered their new magistrates ‘...most loyall...’, indicates that they could be relied on to deferentially accept future royal policy remains open to some speculation. For example, on 23 October, Thomas Maine refused to accept his nomination as one of the burgh’s eleven councillors, on account that he would not take the Test. He was fined one hundred pounds Scots and ordered to ‘...lye in prison untile payment’.²²⁹ Likewise, William Inglis, recently named as deacon of the shoemakers, declined his appointment succumbing to the same punishment as Maine, his place being offered to James Davidson, who ‘...compeired, accepted, gave his oath and tuick the test’.²³⁰ While this is not representative of large scale or organised opposition, the fact that such cases occurred among men considered ready to promote the King’s service, is worthy of note.

Nevertheless, in this instance, George, Lord Livingstone’s appointment as provost is of infinitely more significance. The son and heir of George, third earl of Linlithgow, lord justice general, Livingstone – himself a Privy Councillor from May 1687 – evidently exercised considerable authority. In addition, as a local nobleman, Livingstone possessed the necessary regional influence to cow potential opposition in the burgh. The family’s standing in the locality is further illustrated by the fact that on 29 October 1686, the burgh council nominated the Earl of Linlithgow ‘...to be ane extraordinary counsellor, and declaired whenever his Lordship would honour us with his presence he should have first vott...’²³¹ Though it would appear that Linlithgow never sat in council, his inclusion gives some impression of the deference afforded one of his

²²⁹ Ibid., 721.

²³⁰ Ibid., 727.

²³¹ Ibid., 725.

rank. However, theoretically, Livingstone's appointment was illegal, although admittedly the King's decision to nominate burgh councils in their entirety was hardly determined by legal precedent. Noblemen were debarred from holding office in the burghs, although in reality the practise was not uncommon. For example in 1616, Perth was fined for electing Lord Scone as provost, again transgressing in 1628, when they chose the viscount Stormont.²³² Even so, the fact that Livingstone was one of the few Scottish noblemen to adhere to James VII following the Prince of Orange's invasion suggests something rather more sinister. In this respect, events in Linlithgow closely resemble developments in Kirkcaldy, where Colin Lindsay, third earl of Balcarres was nominated as provost on 22 January 1687.²³³ Likewise, in Dundee, John Graham of Claverhouse was named provost in March 1688 – although in this instance he was not created a nobleman until December. Comparable practice can be identified in Perth, where the Jacobite laird Sir Patrick Thriepland of Fingask, 1st Bt., reassumed the role of provost as part of Stewart municipal reform, while the Catholic Sir William Wallace of Craigie, 2nd Bt., held equivalent office in the Covenanting stronghold of Ayr.²³⁴ Similarly, in neighbouring Irvine, the magistracy was effectively placed in the hands of a single family, when in December 1687, William Wallace of Shelton was appointed provost, and his brothers Robert and Edward were created eldest bailie and town clerk respectively.²³⁵ This suggests that royal municipal policy depended on the installation of reliable or perhaps malleable provosts who possessed substantial local authority, rather than the nomination of individual magistrates – which was more or less an attempt to simply shuffle the pack. In any case, could the government have

²³² T. Keith, 'Municipal Elections in the Royal Burghs of Scotland', *SHR*, Vol. XIII, (1916), 118.

²³³ L. MacBean, *The Kirkcaldy Burgh Records*, (Kirkcaldy, 1908), 212.

²³⁴ G. S. Pryde, 'Development of the Burgh', *The Royal Burgh of Ayr, Seven Hundred and Fifty Years of History*, A. I. Dunlop (ed.), (1953), 46.

²³⁵ NAS PA 7/13/8/8.

found twenty or thirty qualified burgesses in the majority of burghs, willing to endorse the King's religious reforms?

However, the above example is representative of a burgh that opposed crown religious policy in Parliament. What happened in the minority who concurred with the King's wishes? In Edinburgh, the council received the following letter on 12 November.

Forasmuch as it hath pleased the Kings most excellent majestie, By a letter direct under his royall hand dated the twentie third day of October...Signified that albeit he had alreadie nominated the magistrats and town councell of some of his other burghs Royall, yet out of the confidence his majestie hath in the Loyaltie of the present magistrats and Town Councell of Edinburgh, He is graciously resolved to levie that his Cittie proceed to the election of their owne magistrats and Town Councell for the year ensewing...²³⁶

These apparently generous terms can be attributed to the conduct of provost Thomas Kennedy – the only one of eight burgh members of the articles to support James's draft toleration act in 1686. Nevertheless, appended to the above instructions were the exceptions that Kennedy – appointed by the King on 5 October 1685 – and the dean of guild, Magnus Prince – subsequently nominated provost in 1687 – should be continued in their present places. As an additional safeguard, Kennedy was ordered to forward a list of the newly elected magistrates to the King, in order to receive royal approval. In this respect, there seems little difference between court policy pursued in either Edinburgh or Linlithgow, with the crown having veto power in both. This

²³⁶ Extracts from the Records of the Burgh of Edinburgh 1681 to 1689, M. Wood and H. Armet (eds.), (1954), 188-189.

probably explains the evidence of limited dissent in the burgh, comparable to that previously discussed. For example, on 8 October, Bailie Spence protested that his sitting in council was contrary to the act of March 1673, which stated that bailies in the town should serve in that capacity for no more than a year, the following year being free from office. Subsequently, a similar protest was made in December 1687, although on both occasions those involved accepted their appointment ‘...in obedience to his majesties commands...[and] till his majestie declare his pleasure anent the election’.²³⁷

Royal intervention in the burghs was not uncommon. For instance, in October 1561, Mary Queen of Scots took an active role in Edinburgh politics by insisting on the removal of the Protestant provost, Archibald Douglas of Kilspindie, and his replacement with the Catholic Lord Seton.²³⁸ Likewise, in 1622, James VI declared that none could hold office in the burghs except those who had accepted the five articles of Perth.²³⁹ More recently, in 1661, Charles II’s Privy Council had been employed to ensure that those chosen as magistrates and officials in the burghs were persons known for their loyalty – although the actual extent of this practice is difficult to determine. Following their election, those chosen were summoned before the council ‘...to give an accompt of their carriage...’, and only if this proved satisfactory was the election declared to be valid.²⁴⁰ However, what distinguishes the municipal policy of James VII in comparison to the above was the sheer scale of the undertaking – concurrent with similar procedure in England where he had made substantial inroads in the boroughs and in-

²³⁷ Ibid., p. 185, 226.

²³⁸ J. Wormald, *Mary Queen of Scots, A Study in Failure*, (1988), 113.

²³⁹ G. Donaldson, *James V – James VII*, (1965), 281.

²⁴⁰ *RPCS*, I, 1661 – 1664, P. Hume Brown (ed.), (Edinburgh, 1908), xlix.

corporations.²⁴¹ This was not a piecemeal attack on burgh privilege and much more than a sporadic attempt to gain the upper hand in the capital and major burghs. By packing the self-generating burgh councils with both royal nominees and suitably qualified provosts, the court secured the burgh electorate, and the King could therefore theoretically depend on his candidates being chosen as members of the numerically largest estate in any future Parliament.²⁴²

Nevertheless, there is a distinct difference between theory and practice, the timely intervention of the Prince of Orange insuring that James's grand strategy was not brought to a successful conclusion. However, is it possible to assess its potential? In contrast, similar procedure had been employed in the English Parliament of 1685, James allegedly claiming that '...there were not above forty members, but such as he himself wished for...'²⁴³ While the overwhelmingly Tory Parliament started well for the King, granting him extensive revenue and the authority to enlarge the standing army, the house balked over his decision to except several Catholics from the Test. On the whole, crown policy was relatively successful, but when push came to shove even royal placemen were unwilling to grant the general toleration the King obviously desired. English historians are divided over the long-term effects of electoral manipulation. For example, the court attempt to engineer a suitable Parliament throughout 1687, concurrent with related policies in Scotland, has been described by J. R. Jones as the most damaging of all James's policies, and one of the main factors that triggered the Revolution. On the other hand, J. R. Western has argued that far from dam-

²⁴¹ Holmes, *Great Power*, 181; Plumb, *Political Stability*, 58-60.

²⁴² Considering contemporary sederunts, the burgh estate was seemingly the largest in parliament until shire representation was again increased in June 1690. However, the sederunts are often inaccurate – apparently composite rolls produced by the clerk at the end of each session. In this respect they do not necessarily provide a true representation of daily attendance, although they remain the most precise source available.

²⁴³ G. Burnet, *History of His Own Time*, (Oxford, 1833).

aging the King's cause, these efforts had a reasonable chance of success.²⁴⁴ In Scotland, the surviving evidence is equally difficult to assess. Had James VII successfully called a Parliament in 1688, it seems probable that the burgh benches would have been packed with men like George, Lord Livingstone and Sir William Wallace of Craigie, the court enjoying an overall majority, royal influence reflected in burgh representation. Nonetheless, could these individuals be relied on to obediently support religious policy? The observations of several prominent Jacobites cast some doubt over this belief. For instance, in February 1689, Sir Patrick Thriepland of Fingask, present in a meeting of the Perth burgh council, swore '...that he had always been a true Protestant, and still was, and that he should never become a Papist'.²⁴⁵ Likewise, similar sentiments were expressed by James, Earl of Arran, eldest son of William Douglas, third duke of Hamilton. Following William's invasion, Arran was one of the few Scots noblemen to adhere to James VII, although even he distinguished between the '...Popery...' and '...Person...' of his master, claiming to dislike the first but '...owe Allegiance to the other...'.²⁴⁶ In addition, several noblemen including James Maule, fourth earl of Panmure, and William, twelfth lord Ross – who played a prominent part in suppressing conventicles under Claverhouse – were dismissed from the Privy Council on 14 September 1686, after finding their religious beliefs inconsistent with the demands of the King. This behaviour is comparable to the response afforded the 'three questions', addressed to justices of the peace and militia officers in the English counties, in an attempt to gauge their opinion of prospective royal religious policy. Approximately a third were answered in the negative, although by and large the instinctive attitude of the political elite was one of deference to the crown, many of

²⁴⁴ For a detailed summary of this debate see D. L. Smith, *The Stuart Parliaments 1603 – 1689*, (London, 1999), 162-163.

²⁴⁵ R. Chambers, *The Threiplands of Fingask*, (1880), 12.

²⁴⁶ *Proceedings*, II, 297.

the answers prefaced with expressions of loyalty and service.²⁴⁷ In this respect, it is debateable whether James's municipal reforms would have had the desired effect. While those described above unquestionably accepted the King's legitimate authority, this did not oblige them to accept his religious innovations. Had James VII recognised this fundamental fact, perhaps the subsequent course of his reign would have been very different.²⁴⁸

However, did crown municipal policy together with the inherent conservatism of a significant cross-section of the political elite, have any obvious residual effect in the localities in 1688 – 1689. On his return to Scotland in March 1689, Major-General Hugh MacKay was rather pessimistic. Discussing the condition of the nation, he commented on

the untoward humours of many of the nobility and gentry, the combination of the Highland clans who apprehended the Earle of Argyles appearing greatness, and the general disaffection of the northern provinces, as well as of the borders, and of several of the chieftest corporations of the kingdom, not excepting Edinburgh, wherof the greatest part of the inhabitants appeared not well pleased with the late happy, and for the general interest of the Protestant religion, as well as the liberty of Europe, so necessary a revolution.²⁴⁹

²⁴⁷ D. L. Smith, *The Stuart Parliaments 1603 – 1689*, (London, 1999), 162-163; Holmes, *Great Power*, 181.

²⁴⁸ J. Callow, *The Making of King James II, The Formative Years of a Fallen King*, (2000), 287-288. Callow contends that throughout his apprenticeship James invariably adhered to his own beliefs in both religious and secular matters, regardless of the consequences, but proved unable to acknowledge that the actions of others were motivated by similar principles.

²⁴⁹ Major-General H. MacKay, *Memoirs of the War Carried on in Scotland and Ireland 1689 – 1691*, (Bannatyne Club, 1833), 7.

This observation is obviously of some consequence, although there is little actual evidence of any popular Jacobite protest, apart from a rather vague reference to an anti-Orange riot in Edinburgh some time in late 1688. Jacob de Wet, a Dutch artist in the employ of Patrick Lyon, first earl of Strathmore, was seized by the mob, thrown in the tollbooth, and only released on the intervention of his patron.²⁵⁰ In comparison, a letter dated 25 December 1688, from Thomas Stewart – probably Thomas Stewart of Coltness – to Sir Patrick Home of Polwarth, 2nd Bt., gives details of an impressive gathering in Edinburgh, where ‘...the pope was burnt by a regiment of weall appoynted colleginers and other gentillmens sones weall appoynted in airmes, burnt after a solemn processione in ane chaire, in all his pontificalibus, spectators above 16,000...’²⁵¹ Even allowing for exaggeration, this was a considerable display of popular anti-Catholicism. Equivalent proceedings are recorded in Glasgow, where university students, ‘...with the young Earl of Loudoun at their head, amused themselves by burning in effigy the Pope, the Archbishops of St. Andrews and Glasgow, the city authorities offering no opposition’.²⁵² Nevertheless, the above events were not repeated in St. Andrews, where university staff stifled a proposed student demonstration, actively encouraging loyalty to James VII.²⁵³

These incidents, while impressive, pale in comparison to the storming of the Abbey of Holyrood some days earlier. Encouraged by speculative reports ‘...that the papists had a designe to burn the toun...’, students, leading a mob of several thousand, sacked

²⁵⁰ *The Book of Record, A Diary Written by Patrick, First Earl of Strathmore*, A. H. Miller (ed.), (Scottish History Society, 1890), xliii.

²⁵¹ NAS GD 158/1036.

²⁵² C. G. McCrie, *Scotland's Part and Place in the Revolution of 1688*, (1888), 165.

²⁵³ It seems rather improbable that a similar protest occurred in Aberdeen, considering the apparent hostility towards the commissioners for visiting schools and universities in 1690.

the Abbey, the Chancellor's lodgings, and a number of Catholic houses.²⁵⁴ Likewise, the fear of Catholicism had significant repercussions in Linlithgow, where, on 22 December 1688, the clerk recorded the following.

The Baillies told that the occasion of this days meitting was for to put the toun in a posture of defence by appointing guards, in respect that the magistrats of Glasgow has direct ane letter to those in this place daited 21 December instant, showing that they have gotten information by express at midnight last, that the Papists out of severall parts of this kingdom had met togither at Kirkcudbright in Galloway, and desyred this toun to be on their guard...²⁵⁵

In hindsight, the suggestion that Scotland's Catholic inhabitants had joined together in an attempt to subvert the Protestant religion, was as probable as the report that Edinburgh was threatened by Catholic fifth columnists. However, scaremongering proved an invaluable source of propaganda, eagerly employed by the Protestant leadership, and received by a largely amenable population.

On the whole, there seems to have been no action taken by the nominated magistrates to effectively counter the popular politics of the opposition, their immediate reaction characterised by a lack of activity. For example, in Edinburgh on 26 September 1688, almost a month before William landed at Torbay, the burgh council declared that there would be no further meetings until 10 October, '...in respect of the present junctur of affairs anent the Hollanders invasion'.²⁵⁶ Likewise, in Linlithgow, there were no

²⁵⁴ NLS 7026/81; Balcarres, 15-17.

²⁵⁵ NAS B 48/9/4, Linlithgow Burgh Council Minute Book 1673 – 1694.

²⁵⁶ Extracts from the Records of the Burgh of Edinburgh 1681 – 1689, M. Wood and H. Armet (eds.), (1954), 241.

council meetings between 22 December 1688, and 16 February 1689 – the provost, George, Lord Livingstone, conspicuous by his absence since April 1688.²⁵⁷ However, it must be stressed that inactivity was not restricted to burgh councils, and seems equally applicable to sheriff courts and other administrative bodies. This probably explains the obvious gap in many of the surviving burgh records contemporary with this period. Even so, on 25 December, the magistrates of Edinburgh, taking their lead from the Privy Council, unanimously agreed to address the Prince of Orange on behalf of the city. The address ‘...in relation to ane free parliament for a firme establishing of the protestant religion [and] the lawes, libertie and propertie of the subjects...’, was drafted some three days later.²⁵⁸ The address determined that

almightie god hath raised your highnes to counteract the restles and malicious designes of Rome against this Island, Wee cannot upon this occasion hide the satisfaction and joy wherwith our hearts are filled, when wee hear dayly your highness expedition unto Brittain (equally hazardous as it is generous) hath been hitherto prosperous and without effusion of blood...and it shall be our endeavour in our stations (cheerfully and unanimously) to concurr with your highness for preservation of Religion, Lawes and Liberties for securitie of our ancient monarchie and the royall succession, that we may for ever be secured against all hellish attempts of Romish incendiaries and our church settled upon lasting foundations...²⁵⁹

²⁵⁷ NAS B 48/9/4, Linlithgow Burgh Council Minute Book 1673 – 1694.

²⁵⁸ Extracts from the Records of the Burgh of Edinburgh 1681 – 1689, M. Wood and H. Armet (eds.), (1954), 254-255.

²⁵⁹ *Ibid.*, 255.

To date, similar addresses have been located in Glasgow, Aberdeen, Perth, Haddington and Dunbar – the latter as part of a general address from East Lothian.²⁶⁰ In all instances any opposition proved negligible. Evidently, James's magistrates recognised the futility of open resistance on behalf of an absent monarch.

Despite this outward display of conformity, the ascendant Revolutioners did not underestimate the potential threat posed by nominated burgh officials. For example, on 26 February 1689, John Hay, second earl of Tweeddale, observed '...it will not be so easie to follow the example of England, the business of the elections of the borows being soe extreamly [marred], by keeping in the magistrats who wer not legaly chosen and will get themselves chosin in many burghs to [the] conventione...ther will be noe remedy bot the throwing them out, and a new election which will have its own difficulty, and tak time...'²⁶¹ This is further illustrated by reference to the proceedings which culminated in the Prince of Orange's decision to call a Convention of Estates, and the unique electoral procedures this entailed. On the news of invasion in November 1688, a significant proportion of the Scottish elite left for London, effectively leaving the administration of the country in the hands of John Murray, first marquis of Atholl. Historians have tended to interpret this as evidence of the rapacity of the political elite, abandoning their responsibilities in an attempt to secure the favour of the Dutch Prince. On the contrary, the practicalities of government were not neglected completely, Tweeddale, recording on 15 December 1688, that '...considering how unduteable it was for thirteen councillors to leav the country an scarce a quorum behind them, three or four of thos named ar resolved to stay...'²⁶² Nevertheless, although this situation was not ideal, and the materialistic tendencies identified by tradi-

²⁶⁰ NLS 7011/94a.

²⁶¹ NLS 7011/145.

²⁶² NLS 7026/84.

tionalists undoubtedly played a part in determining the number of those who went south, there has been little consideration of the activity of the Scots elite during their sojourn in Whitehall. For instance, the Jacobite, Colin Lindsay, third earl of Balcarres referred to ‘...regular meetings at the Ship Tavern in St. James’s Street...’, where the Presbyterians, joined by their countrymen from Holland, discussed ‘...what was to be done to have the government secured to themselves, and to have all others debarred’.²⁶³ These meetings almost certainly involved the preliminary deliberation that culminated in the address delivered to the Prince of Orange on Wednesday, 9 January 1689, presented by William Douglas, third duke of Hamilton. This desired that the Prince accept the civil and military administration of Scottish affairs, stipulating that he call a Convention to meet at Edinburgh on 14 March. However, with regards the burghs, the unique electoral procedure determined at these meetings was the most significant proviso of the above. The instructions stated that all members of the estates abandon the Test – a necessary prerequisite of office holding under James VII. Of greater importance, the burgh elections were to involve the ‘...whole burgesses...’, rather than conform to established procedure – confirmed by James VI’s decret arbitral in 1583 – whereby commissioners were chosen by the magistrates and council. This unique – albeit temporary – extension of the franchise has received little academic consideration. For instance, R. S. Rait, in his comprehensive study of the Scottish Parliament mentions these developments, but highlights little more than the extension of the electorate and their illegality.²⁶⁴ For contemporaries, these instructions had greater significance than previously recognised, in relation to the composition of the Convention Parliament and the settlement of burgh affairs.

²⁶³ Balcarres, 18-19.

²⁶⁴ R. S. Rait, The Parliaments of Scotland, (Glasgow, 1924), 307.

Nonetheless, these unique stipulations did not go unopposed. On 18 January 1689, the Edinburgh council received a letter from Bailie James Graham detailing Hamilton's recent address – paying particular attention to the proposed burgh elections. Graham claimed to have been ‘...verie active for the royal burrowes...and particularly for the good Town of Edinburgh, that the forsaid method may be prevented, and that the fundamentall Lawes of the respective burrowes, and particularly the constitution of the government of the good Town in relation to elections of Commissioners for Parliaments and Conventions may not be infringed...’²⁶⁵ It would appear that the address had not as yet been publicly accepted by the Prince of Orange, as the provost, with the advice of the city lawyers and assessors, immediately drafted a representation for his benefit, ‘...since the matter is [not] yet intire...’²⁶⁶ This document contained four main points, the first of which addressed the encroachment on traditional council privilege. The fact that procedure in shire elections remained unaltered was described as ‘...verie unequall...’, the Edinburgh council asserting that ‘...whatever be the opinion of the Lords and Gentlemen, Yet it is hoped the burrowes being one of the estates of parliament, and Edinburgh being the Metrapolitan Citie of the kingdome and none representing them having signed the address, their interest and priviledge aught yet to be taken to his Highnes consideration...’²⁶⁷ Secondly, the council declared that although the Scottish elite acted upon the supposition that burgh elections would not be free due to the recent practice of royal nomination, Edinburgh was different in respect the four bailies, the dean of guild, the treasurer, and the council were all freely elected – a rather creative interpretation of the immediate past. Thirdly, the expediency of popular election was brought into question. It was argued that if the

²⁶⁵ Extracts from the Records of the Burgh of Edinburgh 1681 – 1689, M. Wood and H. Armet (eds.), (1954), 260-261.

²⁶⁶ *Ibid.*, 260-261.

²⁶⁷ *Ibid.*, 260-261.

whole burgesses were given a vote, the gathering would be so numerous that it would be impossible to avoid confusion, ‘...the militia being eight hundred men are by the constitution burgesses and freemen and so will have the right to vote as electors’. Finally, a relevant observation was made concerning the English corporations, where, despite former nominations, all representatives in the current Convention were elected in the traditional manner. Even so, it is debateable whether this apparently unique protestation is representative of support for James VII? The magistrates were undoubtedly aware of the threat to their authority, and their response more feasibly an attempt to assure self-preservation – a change of monarch being no reason to surrender office. It is impossible to ignore the obvious concern for traditional rights and privileges – particularly in points one and two – and the resentment felt towards the elite’s interference in burgh affairs, although Edinburgh was distinguished as a special case. Nevertheless, any representation proved academic. Bailie Graham successfully petitioned the Prince, but the electoral summons dispatched on 5 February, illustrates the fact that the recommendations of the Edinburgh council were not sympathetically received.

Few examples of the printed electoral summons survive intact. The following, signed by the Prince of Orange, forwarded to the town clerk of Dysart, finalised the procedure proposed in the January Whitehall address.

We being Desirous to do every Thing that may Tend to the Publick Good and Happiness of that Kingdom, have Resolved to call the said Meeting against the fourteenth Day of the said Moneth of March next; and doe therefore in pursuance, and according to the Tenor of the said Advice, Require you upon Receipt

of this Our Letter, to make Publick Intimation of the same on the first Mercat Day at the Cross of the Royal Burrough of Dysart in the usual manner, and to appoint a Day, to be at least fyve Days after the said Intimation for the whole Burgesses to meet and Chuse their Commissioners for the said Meeting of the Estates at Edinburgh the said fourteenth day of March, a Copy of this Our Letter and of your Intimation, containing the Day of Election to be left affixt on the said Cross. The Burgesses and Commissioners being Protestants without any other Exception or Limitation. And that you report your Dilligence herein to the Convention...²⁶⁸

However, this only confirms the unique nature of the 1689 burgh election. How did this policy operate in practice? In an attempt to establish this, the comprehensive collection of parliamentary commissions held by the National Archives of Scotland, prove an invaluable and largely untapped source. In this respect, it is necessary to give some consideration to the form and style of these documents, before commenting on their content.

Stylistically, commissions are relatively uniform, evidently conforming to an established design. Therefore it is possible to separate their content into five discernible categories. In the majority of examples, the first of these is simply an introductory passage, reiterating the stipulations of the electoral summons. The second category is of considerably more interest, recording information relevant to the outcome of the election, usually intimating whether it was carried unanimously or by a majority vote. This is supplemented by data from the third, detailing the social standing of the suc-

²⁶⁸ NAS PA 7/25/58/10/2.

cessful commissioner, frequently indicating his status as both a resident burghess and Protestant. Although the latter was a prerequisite of election, the significance of religious rhetoric requires some comment. It is common to find commissioners described as ‘...true hearted Protestants...’, or by the more standard designation ‘...a man fearing God of the true Protestant religion presently professed and authorised by the laws of this kingdom...’ While not conclusive proof of Presbyterianism – with only one sampled commission specifically mentioning the Presbyterian church²⁶⁹ – in the context of the Revolution, this assertion of faith – akin to sentiment expressed in the National Covenant – probably provides an accurate indication of the relative strength of Presbyterianism in the burghs. In addition, it is interesting to note that similar examples of this phraseology are recorded in commissions dating from the 1685 – 1686 Parliament, but are apparently absent from those of the immediate Restoration period?²⁷⁰ Although this may indicate no more than a change in clerical fashion, it more feasibly suggests contemporary reaction to James VII’s Catholicism.

The fourth area relates to the authority a burgh granted their commissioner, and the restrictions this implied. Couched in terms reminiscent of the traditional Scottish bond or band, the commission represents a contractual agreement. For instance, the standard commission involved the burgh

Giving, granting and Committing to [our commissioner] our verie full, free and plain power, express bidding, mandament and charge, for us and in our names and upon our behalfe, to meet and conveen with the said meeting of the Estates of this kingdome...and there in our names and on our behalfe to sitt,

²⁶⁹ NAS PA 7/25/76/12/1.

²⁷⁰ NAS PA 7/25/98/8.

treat, vote and conclude upon all matters that shall happen to be proponed and treated upon, so far as it may concern the good of the kingdome and commonweill of the state of burrowes, firme and stable holding, and for to hold all and whatsomever our commissioner shall doe...

This common statement establishes the fact that commissioners were accountable to the burgh, as their elected representative. The current analogy would be a constituency member of Parliament – although seventeenth-century commissioners represented a far narrower cross-section of society. Nevertheless, these democratic connotations surely have no place in Scottish politics? In 1932, the eminent historian, G. M. Trevelyan wrote, ‘...the [Scottish] burghs...were all of them as ‘rotten’ as the rottener part of the English boroughs’. He concluded that the representative element in the Scottish Parliament was weaker than in its English counterpart, and could at best be described as virtual.²⁷¹ Nevertheless, these dated observations – characteristic of Whig historiography – demand substantial redress.

In the burghs, evidence suggests that the council received regular reports from their commissioner – more often than not an official himself – keeping them informed of proceedings in Edinburgh. For example, on 1 June 1689, the Linlithgow burgh council ordained ‘...that in all tyme comeing the commissioners frae the toun either to the Parliament, meitting of the estaits or to the burrowes, Give advice and accompt to the magistrats and councill of the haill acts that passes concerning the toun and burrowes...’, with any other relevant considerations.²⁷² Similarly, in St. Andrews, on 24 June 1693, the commissioner, James Smith, ‘...made report that he had [saw] acts

²⁷¹ G. M. Trevelyan, *England Under Queen Anne, Ramillies and the Union with Scotland*, (1932), 180.

²⁷² NAS B 48/9/4, *Linlithgow Burgh Council Minute Book 1673 – 1694*, 794.

past in that sessione wherof he had sent the minuts weikly which comprehendit all the material things past...²⁷³ Likewise, on 17 June 1700, a more thorough example was recorded at Burntisland.

The same day, Alexander Ged, baillie, maid report to the Councill that he had attended Parliament nyne days, but ther was nothing done all that time saving receiving of some new members and qualifieing some other members that were absent from the last sessione of Parliament by subscribing the bond of associatione, and that ther was a committee appointed for preparing of affairs that is to come in befor the Parliament, and ane committee for trade, That is all that is done as yet and the Parliament is adjourned to 20 instant²⁷⁴

Further evidence of the contractual nature of this relationship is provided by the fact that burghs paid their commissioners substantial expenses. On 12 October 1689, the treasurer of Linlithgow was instructed ‘...to pay Baillie Higgins the soume of sixtein pounds sterling money in full satisfaction to him for his attendance at the Parliament and convention of burrowes, fourtie eight days...’ Likewise, in St. Andrews, on 24 June 1693, James Smith received ‘...ane hundreth and seventie tuo pundis Scots money...for his paines...in attending Parliament for some nine weeks’.²⁷⁵ Considering the depression that crippled later seventeenth century trade, it seems unlikely that the burghs would readily pay for a service they deemed superfluous.

²⁷³ University of St. Andrews Library, B65/11/2, St. Andrews Burgh Records, 242.

²⁷⁴ NAS B 9/12/15, Burntisland Council Minutes 1688 – 1701, 271.

²⁷⁵ NAS B 48/9/4, Linlithgow Burgh Council Minute Book 1673 – 1694, 812; University of St. Andrews Library, B 65/11/2, St. Andrews Burgh Records, 242. Assuming these figures are accurate, and that one pound Sterling equalled twelve pounds Scots, Higgins received four pounds Scots per day. In comparison, Smith – who would have incurred substantially greater travelling expenses – received one hundred and seventy-two pounds Scots for nine weeks. Whether this indicates sixty-three or forty-five days – not counting weekends – is unclear. However, taking the latter figure, Smith also received approximately four pounds per day, suggesting a level of consistency in commissioners’ expenses.

On the other hand, these examples may oversimplify the interaction between the burghs and their representatives. In Linlithgow, St. Andrews and Burntisland, the commissioner was a resident burgess and local magistrate, who was regularly present in council meetings when not in Parliament. For example, between August 1689 and November 1690, Higgins's name appears in thirty-four sederunts of the Linlithgow council – the council meeting on average once a week. Nevertheless, it is difficult to establish how the apparently escalating practice of impoverished burghs returning non-resident commissioners, or the encroachment of the landed elite in burgh politics, affected this relationship. For instance, in September 1696, Patrick Murray of Dollerie – secretary to the then royal commissioner John Murray, first earl of Tullibardine – was appointed commissioner for Anstruther Easter. The reason for this was wholly financial, the burgh ‘...not able to send and keep a commissioner to attend the Parliament...’ Despite the fact that Dollerie was not a local resident, received no expenses, and was almost certainly unfamiliar with the burgh, he still received correspondence from the magistrates. On 15 September, representatives of the council met ‘...that instructions may be drawn to send over to Edinburgh to our Commissioner to Parliament’.²⁷⁶ Even so, it would be naïve to suggest that in these burghs – the exact number of which is impossible to determine for reasons discussed below – the relationship between the council and their absentee commissioner was the same as that discussed in burghs like Linlithgow, although, it must be borne in mind that the potential for communication was similar in both.

²⁷⁶ University of St. Andrews Library, B 3/5/8, Anstruther Easter Council Minutes 1691 - 1749, 20.

The fact that the burghs sent instructions to their commissioners is a further aspect of local politics that has received no attention. Despite the fact that parliamentary commissions contain no specific mandate, with the emphasis on generality, this should not imply that this practise was unusual. In January 1685, John Easson, commissioner for St. Andrews reported to the council, that ‘...conforme to the commissione he had from [them] in order to sollicitate the members of Parliament for repairing the guard bridge...they had appoyntit the same to be done...’ Although this is recorded in the council minutes, these instructions form no part of the surviving commission.²⁷⁷ If this procedure occurred in St. Andrews, it would be surprising if similar methods were not observed elsewhere in the kingdom. This can be illustrated by comparable proceedings in Edinburgh, where, on 21 July 1690, due to the ‘...great difficulties and burden of debts the good toun stands ingaged at present...’, the council recommended ‘...to all the old magistrats and neighbours of the toun to doe their outmost endeavours in waiting and attending upon all members of Parliament and to represent the low conditione of the good toun...’²⁷⁸ While this details a different approach to that mentioned above, in this instance more reminiscent of lobbying, the objective was undoubtedly the same.

To conclude, the final section of each commission can be separated into two distinct categories. They are either endorsed by the relevant burgesses – participants in the election registering their vote – or they are subscribed by the town clerk, or officiating notary public. In both instances the burgh seal is always applied. In this respect, the former type is infinitely more valuable, providing statistics concerning both electoral participation and voting strength.

²⁷⁷ University of St. Andrews Library, B 65/11/2, *St. Andrews Burgh Records*, 137.

²⁷⁸ *Extracts from the Records of the Burgh of Edinburgh 1689 – 1701*, H. Armet (ed.), (1962), 37-38.

The most significant consequence of the February electoral summons, was the unprecedented increase in the size of the burgh electorate. Subject to some speculation in previous chapters, it is possible to provide a comprehensive survey illustrative of this phenomenon. For the sake of practicality, this is organised along geographical lines. Royal burghs are grouped within larger units; in this instance the relevant shires providing an adequate contemporary administrative framework. These in turn are separated between five broader categories, loosely designated the borders, the east, central, the west and the north. This assures an ordered approach, with the opportunity to analyse the elections from both a national and regional perspective.

Beginning analysis in the borders, Kirkcudbright serves as the most southerly port of call. There, John Ewart of Mulloch, the former provost, described as ‘...a man fearing god of the true protestant religion...’ was returned as commissioner on 27 February 1689. His commission was endorsed with the signatures of forty-five local burghesses.²⁷⁹ Ewart had served as provost from 1660, but refused to accept the office in 1662 – the same year he was excepted from the act of indemnity and fined three hundred and sixty pounds. In 1663, he was held responsible for rioting in the burgh, and imprisoned in Edinburgh under a sentence of banishment.²⁸⁰ Consequently, his election as commissioner – and re-election as provost in November 1689 – give some indication of contemporary burgh politics. Ewart had a history of dissent, and it is no coincidence that at this juncture, he should be chosen to fill an office he had not held for some twenty-eight years – last serving as a commissioner in the 1661 Parliament. Likewise, his successor displayed similar characteristics. On Ewart’s death in Febru-

²⁷⁹ NAS PA 7/25/76/11.

²⁸⁰ *The Parliaments of Scotland, Burgh and Shire Commissioners*, Vol. I, M. D. Young (ed.), (1992), 232-233.

ary 1700, ‘...the present proveist and baillies of the burgh...with the advice and consent of the counsell...’, elected Sir Andrew Home of Kimmerghame, Kt., fourth son of the chancellor – and former émigré – Patrick Home, first earl of Marchmont.²⁸¹ The fact that a burgess bill accompanies his commission, dated 28 February, the same day he was chosen as commissioner, suggests some irregularity. Home was not a conventional burgess, and received his commission on his father’s intervention, a fact that receives further discussion in chapter seven. Nevertheless, as a representative of a staunchly Presbyterian family, Home’s election, provides a further indication of the hold the Revolution had taken in the burgh.

In neighbouring Wigtownshire, the Stranraer election was rather less conventional. Convening on 7 March, the burgesses returned Sir John Dalrymple of Stair, Kt., who had unsuccessfully stood as one of the shire candidates two days earlier.²⁸² Undoubtedly one of the ablest politicians of his generation, Dalrymple’s appointment as lord advocate in 1687, earned him the enmity of the ascendant Presbyterians. Despite this, his obvious talents singled him out for a role in the new regime. Coupled with the fact that he had been rejected by the shire, this probably explains why Dalrymple – whose status as a resident burgess of Stranraer is questionable – can be found standing for the burgh in 1689.²⁸³ The appointment provided him with a seat in the Convention which otherwise might have been unattainable. The suspicious circumstances that surround this election are made no clearer by the commission. Endorsed with thirty-nine signatures, an obvious space has been left blank in which Dalrymple’s details have been added, apparently by a different hand. This in itself, though unusual, is not suffi-

²⁸¹ NAS PA 7/25/76/12/1.

²⁸² Agnew, *Sheriffs*, 437-441.

²⁸³ *Ibid.*, 441. Agnew describes Stair’s election as ‘...the first instance (in Galloway) of a baron of the first class sitting as a burgess’.

cient evidence of electoral malpractice. Nevertheless, the election of Sir Patrick Murray of Pitdunnes, Kt. – Stair’s successor – in 1690, underlines similar irregularities. His commission was rejected by Parliament on the grounds that he was not a ‘...residing traffiquing merchant in the burgh...’, and therefore incapable of sitting as Stranraer’s commissioner. However, an extract from the burgh guild book, dated 19 April, the day his commission was reconfirmed by the council, shows Murray being created a burgess and guild brother of Stranraer, in an obvious attempt to circumvent legal procedure. In addition, he asserted before Parliament, that despite being refused admission as commissioner for Selkirk in 1681 – due to a comparable objection – ‘...the contrarie practise hath been sustained in many cases in the Convention and this current Parliament as to persons presently members...’²⁸⁴ This proved a satisfactory defence, Murray taking his seat later that month. His observation supports the notion that the election of unqualified burgh commissioners was an escalating practise, although the means taken to secure election highlight the difficulties in estimating this procedure. Burgh representatives are consistently described as legally qualified resident burgesses whether they were or not.

The election in Jedburgh is of further significance, illustrating contest between the nominated burgh magistrates and increased electorate. On 25 February, the latter chose former bailie, Adam Ainslie. His commission was endorsed with the ‘...true list and signatories of the inhabitant burgesses...’, numbering one hundred and twenty-eight, including those of William Simpson of Sharphall, former provost, and another fifteen former burgh officials. Whether or not these men were replaced as a result of Stewart municipal reform is unclear, although it seems reasonable to assume that

²⁸⁴ APS, IX, 237.

royal intervention left a large number of men aggrieved. Nonetheless, the commission explains that the magistrates had resorted to ‘...unlawful wayes for getting one of their number elected...’²⁸⁵ This accounts for a second commission granted to the council candidate, Robert Ainslie. This contest – one of seven to come before the committee for controverted elections – was settled by the Convention on 21 March. The committee reported that

The magistrats threatened and menaced those who offered to protest against the clandestine marking of the votes for Robert Ainsley. And that those who voted for Adam Ainsley were threatened by these magistrats to have their heads broken. And that it is acknowledged by Robert Ainsley that Porteous whose name is subscriyved at full length to the said Robert’s commission could never write...’²⁸⁶

Predictably, the partisan committee found in favour of Adam Ainslie, the commission granted to Robert Ainslie being declared null and void.²⁸⁷ However, the fact that this determines conflict between the nominated council and recently enfranchised electorate is of considerable importance. It is uncertain if Robert Ainslie held Jacobite sympathies, but, like many others in a similar situation, he was regarded as representative of the former regime. In addition, the fact that the preferred commission was endorsed by several former officials illustrates apparent hostility between those considered the legitimate council and James’s nominees.

²⁸⁵ NAS PA 7/25/71/9.

²⁸⁶ APS, IX, 17.

²⁸⁷ For more information on this committee see the relevant chapter.

In Selkirk, the election seems more consistent with that in Kirkcudbright. On 27 February, the Protestant electorate numbering ‘...nyne score and thrie (the whole number of such bearing portable charges consisting of eleven score and eight or therabouts)...’, assembled in the tollbooth.²⁸⁸ In this instance, the fact that around eighty percent of those qualified participated in the election is of some relevance. Unfortunately this is the only sampled example that details full turnout, and it is therefore difficult to provide comparative statistics. However, the considerable signatory evidence recorded in burghs of a comparable size suggests that this percentage was not uncommon. Nonetheless, the electorate proceeded to choose ‘...almost unanimously...’, John Murray of Bowhill, ‘...burgess of the said burgh and brother german to James Murray of Philiphaugh...’ His family had considerable interest in Selkirkshire, both Bowhill’s father and elder brother regularly representing the shire in Parliament throughout the reign of Charles II. His brother – Sir James – had served as sheriff of the shire, until dismissed from office in 1680, having ‘...malversed and been remiss in punishing conventicles...’²⁸⁹ He was imprisoned in 1684, but liberated in order to act as a witness against those implicated in the Rye House Plot. As was the case with Ewart in Kirkcudbright, former dissent did no harm when it came to securing office at the Revolution. In November 1689, Sir James was created a lord of session with the title Lord Philiphaugh; featuring as a prominent member of James Douglas, second duke of Queensberry’s interest, in his struggle with the country party 1698 – 1702. Likewise, in a regional context, Philiphaugh’s status as head of an important local family, whose principal possessions were situated some two miles south west of Selkirk, could not have harmed the likelihood of his brother’s election.

²⁸⁸ NAS PA 7/25/95/11.

²⁸⁹ Young, *Commissioners*, II, 529-530.

In the four border burghs discussed above, it is possible to identify several significant trends. Judging by the turnout in Selkirk, and the amount of signatures appended to the other three commissions – the number of which is obviously dependant on the size of the burgh – a substantial increase in the electorate is evident, in comparison to former elections. Similarly, with regards those elected, there is continuity in respect to their collective experience under the Stewarts. These men came from families that could fully appreciate the extent of royal repression – even the duplicity of Sir John Dalrymple balanced in part by his father's Dutch exile. Likewise, elections in Kirkcudbright, Stranraer and Selkirk suggest external influence, all three affected by regional elites. Finally, in Jedburgh, proceedings illustrate conflict as a result of the innovative electoral summons, the electorate electing a candidate contrary to the wishes of the nominated magistrates. However, are these features the result of regional circumstance, or is it possible to extend them further north?

Sticking to the east coast, little can be established from the Dunbar election, beyond the basic fact, that the burgesses convened in the tollbooth on 6 March, returning James Smith, '...merchant burgess of the burgh of the Protestant religion...', by a majority vote.²⁹⁰ The commission typifies the unsubscribed variety detailed above, carrying the signature of the town clerk with the burgh seal. However, it is interesting to note that Smith was one of ten burgh commissioners deprived of their seats in April 1693.²⁹¹ Despite being cited and fined for absence and his failure to sign the assurance, the sederunts register Smith's presence in the Convention and first two sessions of Parliament. In comparison, known Jacobites invariably withdrew during or immediately after the Convention. In this respect, it seems unlikely that Smith absented for

²⁹⁰ NAS PA 7/25/55/9.

²⁹¹ APS, IX, 250.

ideological reasons, his removal probably explained by ill health or financial constraints – albeit a successor, Robert Fall, was elected the following month.²⁹²

In the neighbouring burgh of North Berwick the election is of some significance. On 7 March, approximately twenty burgesses endorsed a commission in favour of Sir Thomas Stewart of Coltness, 1st Bt. However, this was disputed by Sir George Suttie of Balgone, the case coming before the Convention later that month. Suttie – probably the same man whose commission for the burgh was rejected on 5 August 1681, on account he was not a ‘...reseiding traffiquing merchant...’ – held the lands of Balgone, some two and a half miles south east of North Berwick, although no further biographical details have been determined. In comparison, Stewart had an appealing Revolutioner pedigree. In July 1660, his father Sir James Stewart – a zealous Covenanter and former provost of Edinburgh – was imprisoned in the castle charged with countenancing the execution of Montrose. He himself was accused of assisting the rebels at Bothwell Brig, opposing the Test, and was implicated in the Rye House Plot, being indicted for treason, and forced to flee to Holland under a sentence of forfeiture.²⁹³ In this respect, it is small wonder that the fundamentally Presbyterian committee for elections should choose Stewart as the legally qualified candidate, ‘...elected by the pluralitie of habile burgesses...’²⁹⁴ Even so, Stewart’s status as a qualified burgess remains undetermined. Perhaps the answer lies with the unique condition of his commission, in which he declared ‘...that he [was] content to serve the burgh in the forsaied Convention gratis, Discharging the burgh heirby of all fies and charges on the said accompt for now and ever...’²⁹⁵ This proved a satisfactory arrangement for both

²⁹² NAS PA 7/25/55/10.

²⁹³ Young, *Commissioners*, II, 665.

²⁹⁴ APS, IX, 22.

²⁹⁵ NAS PA 7/25/85/8.

parties, Stewart receiving a platform in Parliament, North Berwick obtaining free representation.

In the capital, the election was fiercely contested, although not one of those brought before the Convention.²⁹⁶ For an election to be contested it did not necessarily have to be controverted – an important distinction with considerable implications for further discussion. Nonetheless, the magistrates expected a large turnout for the election, considering that the impracticality of the venture was one of the grievances raised in their representation to the Prince of Orange. Therefore, on 27 February, the council took the following precautions.

Considering the morrow is the day of election of the Commissioners for the Cittie for the enshewing Convention of Estates, And because the election is to be made by all the burgesses of this Cittie there will be a great throng, Doe therfor appoint Baillie Graham, Baillie Young, the dean of gild, and Deacon Cockburn to attend the morn in the forenoon to see the keeping of the peace, And in the afternoon appoints Baillie Charters and Baillie Patoun, the Treasurer, deacon Sandilands, deacon Shearer, and deacon Thomsone to attend in the afternoon for seeing the keeping of the peace among the people and so furth to continue per turns till the election be over.²⁹⁷

²⁹⁶ NLS 7011/149. On 2 March 1689, Tweeddale, referring to the election, wrote ‘...it is a wonder how earnest they have been, the magistrats, the coledg of justice, the ministers both heir, and of the country, who wer sent for...’

²⁹⁷ Extracts from the Records of the Burgh of Edinburgh 1681 – 1689, M. Wood and H. Armet (eds.), (1954), 267.

The election began the following morning, continuing for the best part of the next three days.²⁹⁸ On 28 February, Tweeddale observed that ‘...the touns election is begun this day, and will hardly be endid tomorrow, the provist and John Bayly are one party, and Sir John Hall and Georg Stirling another, John Bayly will carry it and Sir John Hall is 127 vots befor the provost in this afternoons reckoning...’²⁹⁹ By 2 March, he amended this, reporting ‘...that the presbiterians have caryed it as they ar like to doe in all places save the north...’³⁰⁰ This is confirmed by a note Tweeddale sent to his son, John, Lord Yester, containing full details of the result. Provost Magnus Prince – described as ‘...the most obnoxious man in the corporation...’³⁰¹ – polled six hundred and ten votes, his colleague John Baillie, six hundred and thirty-two, Sir John Hall of Dunglass, 1st Bt., obtained seven hundred and eighty-nine votes, while George Stirling received seven hundred and forty-five.³⁰² This is evidence of popular politics on a substantial scale. In this respect, some comparison with contemporary English elections is useful. Throughout the seventeenth century the gradual growth of the population, had increased the number of men qualified to vote in the boroughs – the large corporate towns often polling two to three thousand – with escalating party conflict and political awareness ensuring greater participation.³⁰³ Nevertheless, J. H. Plumb categorised the boroughs in two principal groups – those with large electorates

²⁹⁸ Ibid., 267. There was no council meeting on 1 March, when it was recorded that ‘...the magistrats was in the parliament house in order to the election of the Commissioners for this cittie by the whole burgesses to the enshewing Convention of estates...’

²⁹⁹ NLS 7011/147.

³⁰⁰ NLS 7011/149.

³⁰¹ NLS 7011/145.

³⁰² NLS 7026/153. Provost Prince’s votes ‘...included all the gratis burgesses reputed to be above three hundred’.

³⁰³ Plumb, *Political Stability*, 27-28, 46-47; M. Kishlansky, *A Monarchy Transformed, Britain 1603 – 1714*, (London, 1996), 59. Kishlansky contends that there was nothing approaching a common electorate in the English boroughs. ‘Their franchise could be as narrow as the ownership of a few pieces of property or as open as all householders of the community’. Likewise, Plumb illustrates that by the end of the seventeenth century, many English boroughs were endowed with two franchises, both of which had been accepted by the House of Commons at one time or another.

of over five hundred and the narrow constituencies.³⁰⁴ This in mind, Edinburgh would certainly be included in the former. However, no commission was produced until 12 March – the narrative, while describing contemporary electoral practise, does nothing to explain the obvious delay. The clerk stipulated, that

For preventing confusion and that none might have vot but such as are potestants and had interest by being burgesses, that we should have produced our burges tickets betwixt the twentieth and twentie seven of the said moneth to the effect a roll of our names and designationes might be taken up by way of alphabet, that everie one of us may be called conforme to the said roll upon the said day of election, And our clerk having accordingly attended from the twentieth to this present day being the twelfth of March instant for receiving our burges tickets and inrolling our names in a book, and having called us man by man to give our votes to such persons as we thought most qualified to be our commissioners...³⁰⁵

Tweeddale provides a probable explanation for this interval. On 5 March, he commented ‘...that in this toun [they] intend to continew the electione and bring in every day soe many as the provost can mak, till he cary it, It is a wonder that ther is not mor irregularitys during the want of government in this countrey...’³⁰⁶ It is evident that the council went to considerable lengths in an attempt to maintain their pre-eminence. Likewise, a similar incident seems to have occurred in Dundee, where the election took place on 28 February, but there was no commission issued until 11 March.

³⁰⁴ Ibid., 72; J. H. Plumb’s study of the 1689 English general election remains the most comprehensive analysis of contemporary English electoral politics.

³⁰⁵ NAS PA 7/25/59/14.

³⁰⁶ NLS 7011/154.

Tweeddale observed that the Presbyterian candidate had carried the election, but indicates ‘...ther was a tumult lik to have bein, between them and ther Provost the Viscount [Dundee]...’³⁰⁷ The successful commissioner, James Fletcher, served as provost almost continuously between 1685 – 1698, although ousted by James VII – Dundee succeeding to the office in 1688. The fact that Fletcher was preferred as commissioner and re-elected provost in 1689, gives definite indication that the electorate were determined to overturn the intrusive policies of the former regime.

In Edinburgh, there is little doubt concerning the politics of the two successful candidates – Sir John Hall of Dunglass and George Stirling ‘...late deacon of the chirurgons...’³⁰⁸ Hall had held office in the burgh until excluded by Charles II in 1675, on account of his Presbyterian sympathies. He was subsequently named provost in 1689 as a result of municipal reform – an office he held almost exclusively until his death in 1695. Similarly, George Stirling was almost certainly the man described by Balcarres as a leader of the ‘...Presbyterian and discontented party...’ in 1688, and one of those responsible for instigating the anti-Catholic riots in the burgh.³⁰⁹ The fact that two Revolutioner commissioners were returned by Edinburgh, a burgh singled out by King James for its loyalty, demonstrates that the decision to implement popular election in the burghs was a definite success. Nevertheless, that the nominated council should dispute this election, emphasises the fact that electoral contest was not restricted to the few cases brought before the Convention.

Linlithgow provides an interesting comparison. In this instance one of the elections settled by the Convention of Estates, this is one of only two examples for the period

³⁰⁷ NLS 7011/149.

³⁰⁸ NAS PA 7/25/59/14.

³⁰⁹ Balcarres, 12-15.

1689 – 1702, where both rival commissions survive. The first, dated 21 February, in favour of the then provost, George, Lord Livingstone, is an impressive document, endorsed with one hundred and eighty six signatures. The other, received by William Higgins on 12 March, was subscribed by one hundred and forty-four.³¹⁰ However, this signatory evidence should not be taken at face value. Prior to the election, Andrew Crawford, clerk to the meeting, instructed that

For the more orderlie carrying on of the ellectione, for preventing confusione and that non might have vote in the same but such as are Protestant, And had interest by being burgeses that we should have produced our burges tickits to him the twentie of the moneth to the effect a roll of our names and designationes might be taken up, that everie one of us might be called conforme to the said roll on the said day of electione...³¹¹

This is comparable with electoral procedure in Edinburgh, although in this case the outcome was considerably different. Despite Crawford's alleged attempt to gather relevant burges tickets, '...non were produced to him...' Consequently, the clerk produced the dubious '...touns roll...', proceeding to conduct the election using this elusive document. Higgins's supporters emphasised this procedure, claiming '...that such as were not only knowen to be burgesses [were] called conform to a roll made be the said Andro Craufurd...' ³¹² It appears that a number of Livingstone's electors were not legally qualified. Similarly, the fact that almost half of the signatures attached to his commission were appended by local notaries, demands comment. Illiteracy was

³¹⁰ NAS PA 7/25/80/10-11. Higgins was indisputably Prebyterian, being ordained on 25 December 1698, serving as minister in the parish of Tweedsmuir.

³¹¹ NAS PA 7/25/80/10.

³¹² NAS PA 7/25/80/11.

not uncommon, but to suggest that approximately fifty percent of the electorate were unable to sign for themselves is inconsistent with other evidence and twice the national average.³¹³ It is reasonable to conclude that a significant amount of these signatures were fabricated, in a similar style to that identified in Jedburgh. The Linlithgow election serves as an additional example of conflict between the council and popular electorate – the provost receiving the support of at least six officials. However, considering Livingstone’s flirtation with Jacobitism, there is a far more obvious political dimension. In this respect, it was inevitable that the committee would find in favour of Higgins, ‘...in regard of the Lord Livingstone’s incapacity to represent a burgh being the eldest son of a peer...’³¹⁴

Crossing the Forth, how did the Fife burghs react to the electoral summons? On 5 March, ‘...the whole burgises and gild brethern of the burgh of Dunfermline...’, elected their provost, Sir Charles Halkett of Pitfirrane, 1st Bt., described as ‘...ane qualified burgis fearing God of the true Protestant religion...’³¹⁵ Pre-eminent local lairds, the family were almost hereditary provosts of the burgh throughout the period 1677 – 1734, Sir Charles holding office from 1677 – 1684, and again from 1685 – 1697.³¹⁶ The Halketts derived the bulk of their wealth from the coal seams located on their lands, having considerable business interests in Dunfermline and the surrounding area.³¹⁷ However, the sheer scale of the Pitfirrane estate marks Sir Charles as much more than an average merchant burgess. This status was probably of some considera-

³¹³ R. A. Houston, *Scottish Literacy and the Scottish Identity*, (1985), 33.

³¹⁴ *APS*, IX, 10; NAS PA 7/25/80/11. It is interesting to note that Higgins’s supporters made no criticism of Lord Livingstone, preferring to attack the more vulnerable Crawford, who ‘...most partially and wrongfully refused to subrybe the act and seall the same with the commone seill of the forsaide burgh conforme to his dutie...’

³¹⁵ NAS PA 7/25/57/9.

³¹⁶ E. Henderson, *The Annals of Dunfermline and Vicinity 1069 – 1878*, (Glasgow, 1879), 748.

³¹⁷ I. G. Dewar, *Pitfirrane House and its Policies*, (1997), 5.

tion in determining the outcome of the election. Likewise, despite holding office under James VII, Halkett was clearly a supporter of the Revolution. For example, in 1689, he was one of the Scots commissioners to treat for union with England, in addition to sitting on the parliamentary committees for controverted elections, settling the government, and the committee of estates – the provisional executive charged with governing the country in the interim before the Convention was created a Parliament on King William's instruction.

Similar proceedings are apparent in the neighbouring burgh of Inverkeithing, where, on 5 March, the town clerk, John Cant, '...went to the mercat cross...and ther, with touch of drum in the usuall maner made publicatione of his highnes letter...' ³¹⁸ The electorate were ordered to assemble in the tollbooth on 11 March, in order to choose a commissioner to attend the Convention. The burgesses, by '...ther heall vote excepting five...', elected Alexander Spittal of Leuchat, '...ane man fearing God and of the Protestant religion presently professed without any suspitione to the contrair...' ³¹⁹ Although a member of the burgh council between 1687 – 1689, Spittal is another of those identified as a leader of the Presbyterian opposition in 1688. ³²⁰ In addition, he served on the committee of estates in 1689, and was a member of the commissions for the plantation of kirks and visiting schools and universities in 1690. Likewise, Spittal became provost at the Revolution, an office he held until his death in 1696. In comparison to several burghs discussed above, it appears that a significant number of contemporary politicians had a collective experience of the Revolution and its immediate aftermath.

³¹⁸ NAS PA 7/25/67/9/2.

³¹⁹ Ibid.

³²⁰ Balcarres, 12; Young, *Commissioners*, II, 654-655.

In Burntisland, the council minutes record little opposition to the election of Alexander Ged. On 28 February, ‘...all except ten persones...’ voted for Ged, duly returning him as their member of the Convention.³²¹ Like several other burgh representatives, Ged held office during the period of crown intervention. However, there is no reason to doubt his – or Burntisland’s – endorsement of the Revolution. This is further illustrated by the fact that on 1 September 1690, Ged was instructed on behalf of the council ‘...to signify to the right honorable Alexander Lord Reath, eldest lawfull sone to the said Earle of Melville, that they intend to make him provost at michaelmas...’³²² Theoretically, Raith was debarred from holding office, but as the son of George, first earl of Melville – at this juncture one of Scotland’s foremost politicians, with considerable landed interest around the burgh – it is unlikely that anyone would have had reason to complain. Nevertheless, because of his appointment as treasurer depute, Raith was regularly absent in Edinburgh. Even so, it seems that the council were in regular contact with their provost, albeit the nature of this relationship is open to speculation. Following Raith’s death, the office was passed to his father on 26 September 1698.³²³ For Melville, this was probably no more than a courtesy title, illustrative of his local standing, but it would be surprising if the burgh gained nothing from its association with a prestigious patron.

In Kirkcaldy, proceedings are consistent with those described elsewhere in Fife. The burgh – where James Drummond, fourth earl of Perth had been apprehended and imprisoned in April, apparently guarded by three hundred local men³²⁴ – returned the dean of guild, John Boswell, described as ‘...a man fearing God and of the protestant

³²¹ NAS B 9/12/15, *Burntisland Council Minutes 1688 – 1701*, 12.

³²² *Ibid.*, 39.

³²³ *Ibid.*, 173.

³²⁴ L. Macbean, ‘Events of a Thousand Years’, in *Kirkcaldy Burgh and Schyre*, (1924), 53.

religione without any suspitione in the least to the contraire...’, at the beginning of March. The commission was endorsed with one hundred and fifty signatures. However, the election was contested by Captain Tennent, coming before the Convention of Estates on 21 March.³²⁵ In this instance little can be determined concerning either candidate, the burgh records containing no reference to the election. It is probable that the situation was similar to that identified above, with a residual element of the nominated council supporting Tennent. On the other hand, the fact that Boswell was regularly consulted in the matter of outfitting frigates to secure the west coast, suggests a nautical background. Perhaps electoral contest was the result of personal rivalry between two business competitors? Nonetheless, Boswell was the preferred option, his commission backed by the committee on account that it was ‘...consented to by the plurality of habile burgesses...’³²⁶ Furthermore, the position was consolidated in 1690, after Melville’s second son, David, third earl of Leven, was elected provost, an office he held until 1702.³²⁷

The election in the neighbouring burgh of Dysart seems to have followed a similar course. Convening on Tuesday 26 February at ‘...ten a clock in the fornoon...’, the electorate chose the town clerk, David Christie of Balsillie, ‘...a man fearing God of the trew protestant religion...’³²⁸ Forty-six signatures were duly appended to the commission. However, despite attending the Convention and first two sessions of Parliament, he made no further appearance after 1690. Christie was not fined for absence, and there was no new commissioner elected until May 1695.³²⁹ The fact that ‘...the poor and mean condition of the burgh of Dysart...’ was a consideration of the Con-

³²⁵ APS, IX, 17.

³²⁶ Ibid., 17.

³²⁷ L. Macbean, *The Kirkcaldy Burgh Records*, (Kirkcaldy, 1908), 62.

³²⁸ NAS PA 7/25/58/10/1-3.

³²⁹ NAS PA 7/25/58/11.

vention of royal burghs in both July 1689 and July 1690, suggests that the reason for absence was economic.³³⁰ In this respect, procedure in Anstruther Easter adds credence to this explanation.

The experience of Anstruther Easter is representative of several burghs. On 28 February, David Spence, ‘...late baillie and burgess of the said royal burgh...’, was returned as representative to the Convention. His commission, produced by the town clerk, David Simpson, was endorsed with forty-nine signatures – approximately a third of which were recorded by Simpson. Nevertheless, the election was contested by Robert Anstruther – later Sir Robert Anstruther of Wrae and Balcaskie, 1st Bt. – third son of Sir Philip Anstruther of that ilk, Kt., and brother of Sir William Anstruther, Kt., commissioner for Fife. After deliberation the committee decided that Spence was more ‘...lawfully chosen by the pluralitie of habile burgesses...’³³¹ Considering the prominent position Robert Anstruther’s family occupied in the East Neuk, in addition to his eldest brother’s standing as one of the leaders of the ‘...Presbyterian and discontented party...’ in 1688,³³² the outcome of this election was rather unusual. Perhaps Robert Anstruther maintained an outward allegiance to James VII as an insurance policy should the Revolution fail, or more feasibly, electoral contest may indicate the reaction of the merchant community, resentful of interference in burgh affairs? However, Spence only attended Parliament in 1689, his seat being declared va-

³³⁰ Extracts from the Records of the Convention of the Royal Burghs of Scotland 1677 – 1711, J. D. Marwick (ed.), (Edinburgh, 1880), 89, 115.

³³¹ APS. IX, 17.

³³² Balcarres, 12; Anstruther Easter Council Minutes. The influence of the family can be further illustrated by the fact that on 1 September 1702, the Anstruther Easter council ‘...having made ane overture anent the choiseing of a commissioner to the ensewing Parliament the haill forsaied bailies and counsel (except Alexander Bayne and George Thomsons) promised to vote for Sir John Anstruther to be commissioner for the toun to the said Parliament which was acted’. Sir John Anstruther of that ilk, 1st Bt., was the son and heir of Sir William Anstruther, commissioner for Fife 1689 – 1702.

cant in April 1693. Here, the reason for absence was certainly financial. On 31 August 1696, the following was recorded in the council minutes.

The said Baillies and Counsell takeing to their consideration the heavie burdens this burgh lyeth under, and that thereby the burgh is not able to send and keep a commissioner to attend the Parliament, They have thought fitt to send a blank Comision to his Majesties Comissioner to fill up what person he pleaseth for the good of his Majesties service and of the burgh, And ordaine a Comision to be drawn and sent over with a burges bill both in favours of a blank persone...³³³

Consequently, on 14 September 1696, James Lawson ‘...made report that he had delivered the Comision and burges bill which wer sent to Edinburgh with him blank, to My Lord Anstruther by order of his Majesties Commissioner, who nominat James Murray of Dollorie, Secretary to My Lord Commissioner...’³³⁴ The fact that Dollerie received no expenses satisfied the burgh, while his election strengthened John Murray, first earl of Tullibardine’s interest in Parliament. However, this practise was not restricted to Fife. For example, in 1691, the council of Fortrose complained that they could not afford to send a commissioner to Parliament.³³⁵ Compromise was reached on 27 September 1692, when Daniel Simpson, a native of Fortrose then resident in Edinburgh, was commissioned on their behalf.³³⁶ Likewise, financial considerations probably explain why the Berwickshire laird, Sir Alexander Home of Cas-

³³³ St. Andrews University Library, B 3/5/8, *Anstruther Easter Council Minutes 1691 – 1749*, 17. Spence’s absence coincides with the fact that the burgh council did not meet between 16 September 1691 and 26 September 1694, on account that ‘...the toune was so grievously burdened with debt, Those who wer elected would not accept their offices...’

³³⁴ *Ibid.*, 19-20.

³³⁵ Young, *Commissioners*, II, 637.

³³⁶ NAS PA 7/25/63/8.

tle mains, Kt., third son of Patrick, first earl of Marchmont, can be found representing Kirkwall – a remote burgh with the poorest record of attendance in Scotland, appearing only once in the first six sessions of Parliament.³³⁷ In addition, the fact that several burghs petitioned their Convention at regular intervals after the Revolution, on account of poverty and the general decay of trade, supports the notion that widespread economic decline was a critical problem, with serious repercussions for burgh attendance.³³⁸

Economic considerations may also explain the experience of Kilrenny, where, on 2 March, George Bethune ‘...brother german of the Laird of Balfour and burges of our said burgh and actuall trader...’ was elected.³³⁹ His commission was endorsed with twenty signatures – double the ten appended to the commission of Bethune’s successor in May 1693, elected by traditional practise.³⁴⁰ Nevertheless, this is one of only two of the thirty-six sampled commissions, which specifically assert that the commissioner was elected unanimously. In this respect, it would appear that Bethune’s prospects were improved by his brother’s rank – his standing as an influential local laird doing nothing to hinder his election. However, although present in the Convention, Bethune failed to attend Parliament, and as a result his seat was declared vacant in 1693. It is difficult to establish the reason for Bethune’s absence as the Kilrenny records are particularly fragmented. Considering that the East Neuk was hard hit by seventeenth-century Scotland’s financial decline, his decision could have been determined by economic factors. On the other hand, the fact that James Bethune of Balfour, most probably the nephew of George Bethune, was one of the leading Jacobites

³³⁷ Home was elected on 5 April 1698. For further information on this election see chapter 5.

³³⁸ *Extracts from the Records of the Convention of the Royal Burghs of Scotland 1677 – 1711*, J. D. Marwick (ed.), (Edinburgh, 1880).

³³⁹ NAS PA 7/25/72/5.

³⁴⁰ NAS PA 7/25/72/6.

in Fife, participating in the 1715 Rising, may indicate ideological motivation, absence a consequence of a continuing attachment to the Stewart cause.

In St. Andrews the masters and regents of the university coordinated opposition to the Revolution. In response to the rumoured Dutch invasion, the professors and heads of colleges delivered an address to James VII, ‘...testifying their steadfast adherence to the principles of loyalty and obedience, and assuring his Majesty that nothing would avail to divert or frighten them from their love and obedience’. Subscribed by the Archbishop of St. Andrews, then chancellor of the university, the address was delivered with an ‘...assurance of perpetual prayers for his Majesty’s happiness and that of the kingdom’.³⁴¹ True to their word, in contrast to Edinburgh and Glasgow, ‘...when some of the students intended to manifest their indignatione against poperie by burneing effigies of the pope, [the masters] effectually restrained them form doeing the same...’³⁴² Likewise, on 9 January 1689, as the Prince of Orange’s declaration for Scotland was read at the market cross, students ‘...comeing with suords and battons under their gounes...used many indignities both towards touns men and other countrie gentlemen who appeared to countenance the said declaratiōne, particularly by throue- ing snowballs att them...’³⁴³ In addition, following the electoral summons, it was observed

Both Maisters and students...went up and doune the toune to tradsing and other burgesses, dissuading them to choyse men who would be for the interest of their present Majesties, And to make people yeeld to them, They did threat-

³⁴¹ C. G. M’Crie, *Scotland’s Part and Place in the Revolution of 1688*, (Edinburgh, 1888), 161.

³⁴² NAS PA 10/6.

³⁴³ Ibid. The declaration contained the reasons why the Prince of Orange had been induced ‘...to appear in arms for preserving of the Protestant Religion, and for restoring the Laws and Liberties of the ancient Kingdom of Scotland’.

ten tradsmen, not onlie with the want of their imployments, but that they should never gett any payment for work already wrought to them if they did not choose a commissioner as they injoynd them...³⁴⁴

Nonetheless, this did nothing to divert the electorate from choosing a Revolutioner candidate, James Smith, ‘...merchand in the said cittie...a man fearing god, and who ownes and maintains the true Protestant religion...’, by a plurality of votes.³⁴⁵ Probably the same man who held the office of treasurer in 1687, Smith’s commission was endorsed with eighty-seven signatures, a further twenty being added by a local notary public. Little more is known of Smith except the fact that he signed both the act declaring the Convention a lawful meeting and the letter of congratulation addressed to the Prince – providing further indication of his political allegiance. Similarly, in May 1690, he was one of the five burgh members of the committee for settling church government, charged with restoring the full authority of the Presbyterian Kirk. The foundations laid at the Revolution were strengthened by the burgh’s choice of provost. At some point in early 1689, the zealous Presbyterian, William Lindsay, eighteenth earl of Crawford, succeeded to the office. Distinct from the comparable examples detailed above, in respect that Crawford regularly officiated in council, in essence these appointments are essentially the same – further evidence that the regional influence of the nobility had bearing on the success of the Revolution.

In concluding analysis of north-east Fife, how was the head burgh of the shire affected by the Revolution? On 27 February, Cupar returned Robert Melville of Carskerdo, ‘...burgess and gildbrother...’ His commission was signed by sixty of those recently

³⁴⁴ Ibid.

³⁴⁵ NAS PA 7/25/93/9.

enfranchised including at least three burgh officials.³⁴⁶ Turnout appears substantially less than that recorded in St. Andrews, although it is impossible to be certain considering the prospect that the election was disputed. In addition, the fact that Melville's commission was endorsed with almost three times as many signatures as that of Sir Archibald Muir of Thornton, Kt., elected as his successor in 1693, indicates a significant rise in the local electorate.³⁴⁷

On the whole, the Fife burghs confirm trends identified above. In almost all instances participation was consistently high, while the successful candidates conform to the established stereotype. Of some significance is the direct involvement of Presbyterian noblemen in burgh affairs, serving as provosts of three burghs. The extent of this practice is uncertain, but it seems improbable that it was peculiar to Fife. In this respect, it appears the nobility had a far more active role in Revolution politics than previously anticipated.

Crossing into Perthshire, the election in the coastal burgh of Culross supports the former supposition. On 4 March '...at nyne of the clock in the morning...', Mr. William Erskine of Torry, '...sone to the deceast David Lord Cardross...', was elected by a majority vote.³⁴⁸ Representative of a Presbyterian family, Erskine's elder brother Henry, third lord Cardross, suffered considerable persecution under the Stewarts, latterly fleeing to the continent, returning with the Prince of Orange in 1688. In this instance, these credentials were probably of some consideration in procuring Erskine's election, although he was technically a legitimate candidate, deriving his title from

³⁴⁶ NAS PA 7/25/50/10.

³⁴⁷ NAS PA 7/25/50/11.

³⁴⁸ NAS PA 7/25/49/8. In the seventeenth century Culross came under the jurisdiction of Perthshire.

land in the region of the modern village of Torryburn – located a few miles from Culross.

In Perth, John Smith ‘...late baillie burghes...’, considered a ‘...a man fearing God of the trew protestant religion...’, was returned on 4 March.³⁴⁹ One of the largest burghs in the kingdom, the election was comparable with those of both Edinburgh and Dundee, being contested, on this occasion by Sir Patrick Thriepland of Fingask. Described as ‘...a determined loyalist in matters of both church and state...’, Thriepland represented the Jacobite interest. He had been instrumental in procuring the declaration of the burgh against the Solemn League and Covenant, and had regularly held local office for some thirty years, latterly serving as provost in 1687.³⁵⁰ Coming before the Convention on 16 March, the committee’s decision requires no explanation, finding Smith to be legally chosen.³⁵¹ Thriepland was subsequently imprisoned, dying a few months later. In comparison, Smith was elected provost of Perth in 1689, his appointment part of general municipal reform. The Perth election is significant in that it illustrates further electoral contest, but the apparent ideological motivation of a committed Jacobite candidate is of particular interest.

In eastern Scotland, the decision to implement temporary poll elections in the burghs proved a huge success. From Dunbar to Dundee, Revolutioner candidates carried the majority of available places. However, it is readily apparent that these elections were not secured without opposition. Controverted elections are recorded in Anstruther Easter, North Berwick, and Kircaldy. Likewise, in both Burntisland and Inverkeithing, there is evidence of negligible dissent. In addition, considering the fact that Edin-

³⁴⁹ NAS PA 7/25/87/9.

³⁵⁰ R. Chambers, *The Thrieplands of Fingask, A Family Memoir*, (1888), 8.

³⁵¹ *APS*, IX, 8.

burgh, Dundee, Perth, and Linlithgow were contested by Jacobites – or at least those contemporaries considered Jacobite owing to their role in nominated local government – lingering political allegiance should not be underestimated. Nonetheless, it is difficult to discern whether opposition was motivated by adherence to James VII or the desire to retain a role in local administration – a number of those appointed between 1685 – 1688 having no real commitment to James or his religion. Crown municipal policy had alienated a significant cross-section of the population, while the electoral summons enfranchised the dispossessed, ensuring circumstances that were conducive of conflict – the nominated council providing an opposition infrastructure, frequently reflected in electoral returns.

How does this compare with central Scotland? On 28 February 1689, Stirling returned Hugh Kennedy of Schelloch, ‘...present proveist...’, described by the standard designation as ‘...ane man fearing god of the true Protestant religione...’³⁵² However, unlike a number of commissioners who were removed from office by James VII, Kennedy was appointed provost by royal nomination in 1686.³⁵³ Likewise, Stirling is something of an anomaly, proving openly hostile to the instructions of the Convention. On 22 March, William Drummond received a warrant from the estates instructing him to ‘...repair to Stirling and to Delyver to John Andersone of Dowhill or any having his order upon receipt out of the magazine of Stirling Castle, four thousand muskets, one thousand picks ane hundred barrells of powder with match and Bandeliers conforme and ane hundred chists of Ball...’³⁵⁴ The arms were considered necessary to secure the western shires. On arriving in Stirling, the representatives of Glasgow discovered ‘...the gates shutt against them causeing them stand a long tyme in

³⁵² NAS PA 7/25/96/8.

³⁵³ Young, *Commissioners*, I, 388.

³⁵⁴ *APS*, IX, 18-19.

their armes wearied after a long and tedious journey...³⁵⁵ Eventually, on entering the town and in the process of loading the arms, the inhabitants of Stirling ‘...gathered together in Companies designeing to stop ther Cairieing away of the armes, untill ther furie and malice was allayed by the persuasions of Mr. Drummond the store keeper...’³⁵⁶ In response, John Anderson of Dowhill, commissioner for Glasgow, petitioned the Convention on account of the fact that it was ‘...well knoune how disaffected the present magistrats and people of Stirling are to the Estates and the present government...’³⁵⁷ In addition, on 24 September 1689, John McCulloch, former provost of Stirling, presented a petition to the Privy Council on behalf of himself and the rest of the Presbyterians inhabitants of the burgh. This reported that despite receiving instructions to hold a new municipal election in June, the council

By their new cabballing and indirect means they then used they did marr the free electione of the people conforme to the said act, and got many inhabile burgesses received who were debarred be the said act of the Estates from voting...³⁵⁸

Consequently, the Privy Council passed an act in favour of the petitioners, describing Kennedy and his colleagues ‘...as men that hade purchased by letters and recomendationes of them to the late King James, there places of trust and government of the toun, as most proper and fitt instruments to carry on his popish and arbitrary pouers that were then on foot...’³⁵⁹ Kennedy was dismissed from office, dying in 1693, his seat in Parliament passing to the new provost, John Dick. However, the change of per-

³⁵⁵ Ibid., 32-33.

³⁵⁶ Ibid.

³⁵⁷ Ibid.

³⁵⁸ *RPCS*, XIV, H. Paton (ed.), 334-336.

³⁵⁹ Ibid., 459-464.

sonnel achieved little. In 1694, Dick was imprisoned for ‘...drinking to the late King James and the pretended Prince of Wales their healths and other crymes’.³⁶⁰ He retained his place in Parliament, but was subsequently expelled on 15 July 1695, after an argument with John Moncrieff of Reidie, one of the commissioners for Fife, over remarks made to Alexander Ged, representative of Burntisland. Dick allegedly threatened Ged, after he had given his approval to an act proposing an increase on the excise of malt, stating ‘...you are a brave borrow indeed and I will make you smairte for this vote befor the Convention of Borrowes...’³⁶¹

In Stirling, the electorate not only returned one apparently Jacobite candidate, the council elected another as his successor – although the petition discussed above may cast some doubt on the legality of the proceedings. Nevertheless, this also illustrates conflict between the nominated council and Presbyterian inhabitants. What set Stirling apart was the fact that the council enjoyed considerable success, retaining influence in the burgh until at least 1695 – apparently with the collusion of a substantial proportion of the populace. The reason why Stirling remained loyal is difficult to determine. However, it can perhaps be explained by the influence of Charles Erskine, fifth earl of Mar, who, in the immediate context, considered staging a rival Jacobite Convention in the burgh. Even so, although a significant variant, Stirling was the exception rather than the rule.

In the west, Lanark, Rutherglen, Glasgow, Renfrew, and Irvine, exemplify characteristics common to the majority of sampled burghs. In Lanark, Thomas Hamilton, described as a ‘...merchand [and] ane of the present baillies...’ was elected ‘...in the

³⁶⁰ Young, *Commissioners*, I, 184.

³⁶¹ *Ibid.*

laich kirk of the samen burgh...’, on 4 March.³⁶² Likewise, in neighbouring Rutherglen, the electorate returned John Scott, ‘...maltman burgess...’, by a majority vote on 28 February.³⁶³ In either instance the commission carries no relevant signatory evidence, and little biographical information has been identified. However, neither candidate had any previous parliamentary experience, both subscribing the act declaring the Convention a lawful meeting and the letter of congratulation to the Prince, confirmation of their Revolutioner status.

The Glasgow election was similar to those discussed above. On 26 February, the Protestant burgesses ‘...being openlie called upon one by one...’, chose John Anderson of Dowhill, elected by a plurality of votes.³⁶⁴ Like Hamilton and Scott, Dowhill signed the act declaring the Convention a lawful meeting and the letter of congratulation, subsequently serving on the committee for settling the government and the committee of estates.³⁶⁵ In August, he was sent to London on behalf of the burgh to petition the King for freedom in the election of their provost, formerly chosen by the archbishop. Dowhill succeeded to the office the following month, holding it at regular intervals until 1704.³⁶⁶

On 2 March, ‘...being the ordinary weekly mercat day of Renfrew...’, the town clerk intimated that the electorate were ‘...to meit and convey within the kirk upon the ninth day of the said moneth betwixt the hours of two and three in the afternoon for choiesing their commissioner to the metting of the estats...’³⁶⁷ Duly convened, the

³⁶² NAS PA 7/25/78/9.

³⁶³ NAS PA 7/25/92/8.

³⁶⁴ NAS PA 7/25/64/10.

³⁶⁵ *APS*, IX, 22, 79.

³⁶⁶ *Extracts from the Records of the Burgh of Glasgow 1663 – 1690*, (1905), 429.

³⁶⁷ NAS PA 7/25/90/9.

meeting returned Mr. William Cochrane of Kilmaronock – second son of William, Lord Cochrane and brother of John, second earl of Dundonald – by a majority vote. Consistent with several burghs like Culross and Selkirk, Renfrew was represented by a member of a prominent landed family with considerable local possessions. Despite speculation that he held Jacobite sympathies, Cochrane adhered to the Whig principles of his family, his estate being laid waste by the Jacobite forces of his brother-in-law, the viscount Dundee.³⁶⁸

Of the five burghs reviewed, only the Irvine commission contains comparable electoral statistics. On 6 March, convened in the chancel of the burgh Kirk, the burgesses elected Mr. Alexander Cunningham of Collellan and Chirrielands ‘...burgess of the burgh who is also a Protestant...’³⁶⁹ His commission was endorsed with one hundred and forty-seven signatures – twenty-four appended by a local notary. This is evidence of substantial participation, the fourth largest recorded among the thirty-six burghs polled. Like the commissioners from Lanarkshire and Renfrew, Cunningham signed the act declaring the Convention a lawful meeting and the letter of congratulation addressed to the Prince of Orange. Similarly, consistent with individuals like Hall in Edinburgh, Fletcher in Dundee, and Smith in Perth, Cunningham was elected provost in 1689, following extensive municipal reform. In this respect, there is little doubt concerning Cunningham’s allegiance.

In the west electoral innovation proved as successful as it did elsewhere in the kingdom. The five successful commissioners are comparable with those elected throughout southern and eastern Scotland, albeit in this instance there is little evidence of

³⁶⁸ Young, *Commissioners*, I, 127.

³⁶⁹ NAS PA 7/25/70/10.

former dissent. The most obvious dissimilarity is the fact that in the west electoral meetings were more often held in the parish kirks as opposed to the tollbooths, perhaps as a result of increased participation. Statistics concerning the latter are not as available, although the figures for Irvine are consistent with those recorded elsewhere, indicative of a reasonable level of continuity. However, the success of the Revolution in the western shires is not surprising. This was an area long associated with religious nonconformity, contributing to the numerical strength of the Reformation and the National Covenant. In comparison, how did the Revolution affect the 'Conservative' north – an area where revolution had no obvious historical precedent? Is there evidence to suggest that popular politics were less successful in royal burghs north of the Tay?

In Brechin the election reflects the local magnate interest. On 6 March 1689, the electorate chose Mr. Henry Maule of Kellie – brother of the Jacobite peer, James, fourth earl of Panmure. Of some interest is the fact that on 2 October 1688, Maule had been named as one of the commissioners for Forfarshire, following the annual election stipulated by act of Parliament in 1681.³⁷⁰ Nevertheless, the Brechin commission – endorsed with seventy-eight signatures – contains none of the religious rhetoric associated with equivalent documents.³⁷¹ Perhaps coincidence, the fact that Maule was representative of an Episcopalian family provides a likely explanation for the change in style. His commission was accompanied by a cover-note from the town clerk, dated at Brechin on 9 March, reporting

³⁷⁰ NAS GD 123/138.

³⁷¹ NAS PA 7/25/43/9/1.

I send to you a Commissione subscribed by the greatest part of the town and Burgesses wherby they chuse and nominat your ho: their commissioner for the meeting of estates the fourteenth of March instant, And it is humbly intreated that you will accept and make use of it and it is not questioned that if any thing occure that may concerne the well of this Burgh but that you will allow them your help and assistance, A happy conclusion to this great meeting and your own well-being is the earnest desyre off your Ho: most dutiefull humble servant...³⁷²

It would appear that Maule was not present at the election, receiving his commission some three days later. He sat in the Convention, but withdrew soon after the estates found that James VII had ‘forfaulted’ the crown. Fined for absence, his seat was declared vacant in 1693, Maule having latterly fought at Sheriffmuir in 1715. His successor, Francis Mollison, although more amenable to the Revolution – signing the association in 1696 – was a stalwart member of the country party between 1698 – 1707, evidently taking his lead from Panmure.³⁷³ Despite the apparent conservatism of the Brechin electorate, the Jacobite landed elite were as capable of exerting their regional authority as their Revolutioner counterparts.

On 27 February, the Aberdeen electorate returned Alexander Gordon ‘...provost of the burgh ane man fearing God of the true Protestant religion without any suspitione in the contrear...’³⁷⁴ The fact that Gordon was designated provost does not necessarily identify him as a member of the nominated council, as several burghs took it upon themselves to stage a municipal election before receiving an order from the Conven-

³⁷² NAS PA 7/25/43/9/2.

³⁷³ See chapter seven.

³⁷⁴ NAS PA 7/25/35/12.

tion – although Aberdeen was one of the burghs mentioned in that act. Gordon's commission, subscribed by '...the burgesses of gild and burgesses tradesmen...', was endorsed with three hundred and fifteen signatures – evidence of popular politics on a substantial scale, recorded participation second only to Edinburgh. More so, considering the population of the burgh in the early seventeenth century has been estimated at anything between seven and a half and ten thousand inhabitants, three hundred and fifty of whom were members of the merchant guild.³⁷⁵ However, the exact percentage of the total population participating in the election is impossible to ascertain, as the election was controverted by Walter Robertson whose commission does not survive. Gordon, probably the same man who petitioned the Privy Council in 1683 on account of his interest in the Low Countries, was the preferred Revolutioner candidate, the committee finding his election '...regular, and that he was elected by the pluralitie of habile burgesses...'³⁷⁶ In comparison little is known of Robertson, although he possibly represented the former council interest? Nevertheless, proceedings in the burgh and ultimate success of the Revolution, cast some doubt on the traditional notion of a 'Conservative' north.³⁷⁷

In the adjacent burgh of Inverurie, the '...present baillies...with the counsell and communitie therof...', returned John Anderson '...ane of our present baillies and burgess...ane man fearing God of the true Protestant religion...', on 4 March.³⁷⁸ Twenty-one signatures were appended to his commission. Despite this standard rhetoric, Anderson was fined for absence following the first session of Parliament, his vacant

³⁷⁵ D. MacNiven, 'Merchants and Traders in Early Seventeenth Century Aberdeen', in D. Stevenson (ed.), *From Lairds to Louns*, (Aberdeen, 1986), 57.

³⁷⁶ *RPCS*, VIII, 111; *APS*, IX, 16.

³⁷⁷ G. Donaldson, 'Scotland's Conservative North in the Sixteenth and Seventeenth Centuries', in *Transactions of the Royal Historical Society*, Vol. XVI.

³⁷⁸ NAS PA 7/25/69/6.

seat devolving on Robert Forbes of Learney – third son of Sir John Forbes of Craigievar, 2nd Bt., commissioner for Aberdeenshire, and important agent of the Revolution. The former commissioner's absence is impossible to decisively explain. However, the fact that Inverurie were exempted from sending commissioners to the Convention of royal burghs for two years in July 1689, suggests the reason was economic, the place assumed by a financially independent local laird.³⁷⁹

Cullen was represented by James Ogilvie, '...second sone to James Earle of Findlater one of our burgesses and inhabitants fearing God of the Protestant religion...'³⁸⁰ Elected at the beginning of March, by a unanimous vote – only the second example of this sort – his commission was endorsed with eleven signatures – all council officials. Professing to represent the full electorate, it seems only the council participated in the election, or at least subscribed the commission. Nevertheless, consistent with procedure in several burghs like Culross, Brechin and Selkirk, it would appear that Findlater was instrumental in securing his son's election. In the Convention, he was one of the few members who voted against the resolution that the throne was vacant, although his flirtation with Jacobite politics was brief. Knighted in 1689, Ogilvie was created viscount Seafield in 1698, holding the office of joint secretary from 1696 – 1702, his administrative abilities making him an almost indispensable part of royal government.³⁸¹

In the neighbouring burghs of Elgin and Forres the elections were held at the end of February. However, no statistics are recorded in either example. In Elgin, the elector-

³⁷⁹ Extracts from the Records of the Convention of the Royal Burghs of Scotland, 1677 – 1711, (Edinburgh, 1880), J. D. Marwick (ed.), 98.

³⁸⁰ NAS PA 7/25/48/7.

³⁸¹ Seafield, 48.

ate chose James Stewart, a local merchant and ‘...dean of gild, a protestant fitly qualified to represent us in the said convention...’³⁸² Stewart regularly attended Parliament, accepting all oaths and obligations this entailed. In comparison, Thomas Tulloch of Tannachie, described as a ‘...burgess and councillor of Forres, professor with us of the protestant faith...’, adhered to the Jacobite cause.³⁸³ Present in the Convention, he absented from Parliament, his seat declared vacant in 1693. Like Maule, Tulloch served in the Jacobite army at Sheriffmuir, being captured and imprisoned at Carlisle. He was released on the grounds that he was forced to participate in the venture by the marquis of Huntly, although considering his former behaviour this explanation is dubious.³⁸⁴ In this instance the evidence is difficult to assess – the two neighbouring burghs returning candidates of apparently opposite political allegiance. However, the election of a further Jacobite is of some note, considering their poor showing at the polls.³⁸⁵

On 2 March, Inverness returned John Cuthbert of Drakies, considered ‘...a true hearted protestant...’³⁸⁶ Provost from 1683 – 1689, he accepted the Revolution, serving as member of Parliament for the burgh throughout the reign. His commission was endorsed with one hundred and twenty-seven signatures, which, in comparative terms, is the seventh highest level of participation recorded in the sample, second largest in

³⁸² NAS PA 7/25/60/10.

³⁸³ NAS PA 7/25/62/9.

³⁸⁴ Young, *Commissioners*, II, 701.

³⁸⁵ *APS*, IX. Despite the fact that James Stewart displayed no obvious Jacobite tendencies, on 5 June 1689, ‘...David Stewart provest, and William Caddell and John Fyfe Baillies of the burgh of Elgine and Sir James Innes of that ilk, one of the overseers named by the Estates for the electione of the saids magistrats...’ were summoned before Parliament charged with ‘...unwarrantable intercomuneing with the viscount of Dundee a Denounced rebell and fugitive, and for ther arbitrary and Irregular proceedings in ther said Electione...’ The outcome is unclear, although this episode casts some doubt on the loyalty of the burgh.

³⁸⁶ NAS PA 7/25/68/9.

the north. In this respect, electoral participation in the larger burghs of the Highlands seems consistent with that documented in the south.

Coming full circle, the Inveraray election is characteristic of those examined above. Convened on 8 March, the electorate returned Hugh Brown ‘...burgess of the said burgh whom we testifie to be of the Protestant religion...’ His commission was endorsed with twenty-five signatures.³⁸⁷ This was the only instance when corresponding burgh and shire elections were held on the same day, the town packed with representatives of the Campbell landed elite. It is uncertain whether this had bearing on Brown’s election, although it seems probable that the outcome reflected the wishes of the local magnate – Archibald Campbell, tenth earl of Argyll. Little is known of Brown, beyond the fact that he served Parliament continuously between 1689 – 1702, attending all but one session, consistently supporting the court from 1698, suitable evidence of his political allegiance.

The electoral experience of the northern burghs was consistent with that identified in the south, considering the impressive turnout in Aberdeen, Inverness and Brechin; the contested election in the former; the economic constraints evident in Inverurie; and the latent influence of the landed elite in Brechin and Cullen. Likewise, the extended franchise had a similar affect with regards the political sympathies of those elected. It is possible to distinguish two successful Jacobite candidates – three if the temporary adherence of Ogilvie is included. However, it is uncertain whether the choice of Henry Maule of Kellie in Brechin and Thomas Tulloch of Tannachie in Forres, reflect the politics of the burgh or the interest of a noble patron utilising their status as a lever

³⁸⁷ NAS PA 7/25/66/6.

in the election – a practice illustrated throughout Scotland? Jacobitism is difficult to discern, unless as in these instances the individual withdrew from Parliament or participated in any of the subsequent risings. Nevertheless, there is no reason to conclude that prospective Jacobite commissioners were any more successful in the north than elsewhere in the kingdom.

In conclusion, what can be established from the burgh elections as a whole? The most obvious feature is the substantial – albeit temporary – extension of the electorate. For the first and only occasion in the recorded history of the Scottish Parliament all Protestant burgesses received a vote. Relevant statistics are not available in all burghs, but it is reasonable to suggest that this procedure had a sizeable impact on the nation, represented by the unprecedented level of participation, illustrated by the impressive signatory evidence discussed above. Likewise, in several instances turnout approached that recorded in the English boroughs. Considering the established electorate consisted of the burgh council, numbering approximately twenty, the significance of this increase is self-explanatory. By extending the franchise to the ‘whole’ burgesses, the Scottish elite outmanoeuvred James VII’s carefully constructed municipal policy, bypassing the authority of his nominated officials. In this respect, popular politics proved detrimental to the Jacobite interest. This is consistent with the observations of both Colin Lindsay, third earl of Balcarres, and George Mackenzie, first viscount of Tarbat. Commenting on the resolution of controverted elections, Balcarres remarked that

if the legal way had been observed in elections, (which was that both electors and elected should take the test,) none of their party had been chosen, there-

fore it was ordered by the Prince of Orange that all Protestants without distinction should have a vote in the elections; by this, and many of the Episcopal party their having scruples to meet upon the Prince's orders, they secured many of the boroughs which was a great addition to them.³⁸⁸

This sentiment was echoed by Tarbat, who considered '...that the present Parliament is more numerous of Presbiterians by the new method of election of burrowes...'³⁸⁹ These comments underscore the crux of Revolutioner policy. The electorate was increased not by an idealistic notion of democracy – although the decision reflected confidence in what the political classes sought, representing popular politics by the standard of the day. Electoral innovation was a specific response to the interventionist policies of James VII.

Conducive of conflict, the fact that seven burgh elections were controverted before Parliament and at least another two contested in the localities requires further comment. With regard the geographical spread of these elections there is an obvious bias towards eastern Scotland – probably because east coast burghs were more numerous and the west was strongly Presbyterian. Nevertheless, the sample includes Edinburgh, Dundee, Perth and Aberdeen – four of the largest burghs in the kingdom – in addition to smaller burghs like Anstruther Easter and North Berwick, suggesting that these examples are relatively representative. This is maintained by the fact that of the thirty-six burghs reviewed, exactly fifty percent were carried by a majority vote. In comparison, only two commissioners can be identified as having been returned unanimously.

³⁸⁸ Balcarres, 24.

³⁸⁹ Leven and Melville Papers, 125; NLS 7011/149; 7026/158. In addition Tweeddale had made a similar prediction at the beginning of March. Later, considering the composition of the convention of estates he wrote '...the presbiterians ar much the strongest though ther be bishops present ...'

However, this can be subject to different interpretations – for instance does a majority vote imply that a minority of the electorate supported an alternative ‘popular’ candidate, abstained, or chose an opposition nominee. In this respect the previous sample, particularly the burghs of Edinburgh and Dundee – contested but not subsequently disputed before Parliament – provide an obvious precedent, indicating that the latter is feasible. Likewise, the proposed level of contest parallels the English experience, H. Horowitz identifying sixty disputed elections – thirty-two of which were controverted – ‘...contended fervently in very many places...’³⁹⁰ Of further significance is the notion that these elections were fought on religious and dynastic issues. Between them, H. Horowitz and L. G. Schwoerer have identified fourteen constituencies in which national issues may have determined the outcome of the vote.³⁹¹ For example, in Southwark, John Arnold was elected, having ‘...suffered for the Protestant interest, as well as because he was born there’.³⁹² Similarly, in York, Sir John Reresby made no secret of the fact that he favoured King James II, consequently losing the election.³⁹³ Finally, at Woebly ‘...a candidate became so enraged at his opponent for allegedly misrepresenting his position on James’s proposed repeal of the Test Act and penal laws that he gave him ‘a hand mark’ with his sword’.³⁹⁴ There is no reason to suppose that ideological motivation did not condition electoral politics in Scotland, considering the active opposition of nominated councillors and known Jacobites, such as George, Lord Livingstone, Sir Patrick Thriepland of Fingask, 1st Bt., and James, fourth earl of Panmure.³⁹⁵ This would explain the otherwise unsubstantiated comment

³⁹⁰ H. Horowitz, ‘Parliament and the Glorious Revolution’, Bulletin of the Institute of Historical Research, 47, (1974), 36-52; Parliament, Policy and Politics in the Reign of William III, (Manchester, 1977), 329.

³⁹¹ *Ibid.*, 40-41; L. G. Schwoerer, The Declaration of Rights, 1689, (1981), 150-151.

³⁹² L. G. Schwoerer, The Declaration of Rights, 1689, (1981), 151.

³⁹³ *Ibid.*, 151.

³⁹⁴ *Ibid.*, 151.

³⁹⁵ Plumb, Political Stability, 75. In Scotland no actual recorded evidence of ideological contest has been identified. However, with regards contemporary English politics, Plumb contends that it is not

of Balcarres who observed ‘...some few days were passed in deciding the differences in elections, which would have required a much longer time if most of your friends had not yielded their claims, perceiving nothing of justice was so much as pretended to be done’.³⁹⁶ Evidently contest was prevalent throughout the kingdom, determined in a manner reminiscent of the two party system usually associated with England, although the bulk of those representative of the conservative vote believed there was little value in appearing before the partisan Convention.

In addition, the above illustrates several instances of external influence brought to bear on burgh elections, resulting in a return representative of a substantial landed interest. It is difficult to provide factual evidence – considering that influence and intimidation seldom leave a record – however, it would be naïve to suggest that Findlater played no part in the election of his son, or Panmure his brother. More specifically, on 12 February 1689, Tweeddale wrote to his son, John, Lord Yester, asking him ‘...if yow inclin to be for a burgh...we shall try it for Haddington...’, confident of success in his own locality.³⁹⁷ This is consistent with England, where the boroughs frequently relied upon patrons to nominate suitable candidates who would serve without recompense – primarily a feature of boroughs whose right to representation depended on past prosperity.³⁹⁸ In Scotland comparable economic considerations besides the influence of the regional elite explain the reason why a significant proportion of burghs chose to elect either non-residents or non-burgesses, in some instances gov-

common to find much mention of political or religious differences that might have influenced the candidate or voter. ‘This does not mean that either candidates or voters were devoid of principles in religion or politics, or unaware of them in [narrow constituencies]’.

³⁹⁶ Balcarres, 24.

³⁹⁷ NLS 7011/132; 7011/143; 7011/127. Yester did not stand for election in Haddington, although there is a further reference to himself and John, Lord Murray ‘...being elected for borows...’ Likewise, Tweeddale considered his younger son David, as one of the commissioners for East Lothian, but appears to have gone no further in the matter.

³⁹⁸ M. Kishlansky, *A Monarchy Transformed, Britain 1603 – 1714*, (London, 1996), 59-60; Plumb, *Political Stability*, 36.

ernment ministers suggesting a suitable candidate – the latter having important repercussions in terms of party and voting strength. Nonetheless, it is difficult to establish the full extent of this procedure. Harking back to the comment of Sir Patrick Murray of Pitdunnes, Kt., who observed that illegal practice had been sustained with regards the election of numerous members of the Convention Parliament, it is apparent that the level of burgh irregularity was considerable. However, despite the fact that burgh members are invariably described as legally qualified, in a number of cases it is impossible to distinguish legitimate burgesses from those elected by more spurious means.

The above underscores the success of Revolutioner candidates in the burgh elections. Nevertheless, this was only the first stage of a more thorough municipal policy.³⁹⁹ The Convention passed an act on 5 April ‘...for a new nomination of magistrates in the toune of Edinburgh...’⁴⁰⁰ Considering the ‘...recommendationes and nominationes made be the late King in ane arbitrary and despotick way, Contrair to the lawes and liberties of the kingdome...’, the estates ordered the clerk to convene ‘...the wholl burgesses, who hes been born and does bear burgadge dewitie and are lyable to watching and warding within the city (secluding from this number all honorary burgesses with the toune servants, pensioners, beedmen and the like...’ at St. Giles the following week, to elect new magistrates and councillors.⁴⁰¹ Besides the decision to poll the popular electorate, the most important stipulation of the act was the appointment of John Hamilton, second lord Bargany; John Hamilton, second lord Belhaven; Sir John Maitland of Ravelrig, 1st Bt.; Thomas Drummond of Riccarton; Mr. James

³⁹⁹ Municipal policy must be considered as part of a broader policy aimed at purging the ministry, the military, schools and universities.

⁴⁰⁰ *APS*, IX, 34-35.

⁴⁰¹ *Ibid.*

Ogilvie and Mr. James Smollett of Stainflett and Bonhill as electoral overseers. The election proved a resounding success. Sir John Hall of Dunglass, 1st Bt. was elected provost and no member of the former council was continued in office.⁴⁰² Edinburgh proved the test case, with acts reforming the magistracies of Dundee, Rothesay and Irvine following in close succession.⁴⁰³ On 13 April 1689, a committee was formed – consisting of John Cunningham, tenth earl of Glencairn; James Sutherland, second lord Duffus; Sir Hugh Campbell of Cawdor, Kt.; William Baillie of Lamington; Mr. James Ogilvie and Alexander Spittal of Leuchat – in order to consider ‘...the condition of the present magistracy and councill in the respective burghs...’⁴⁰⁴ Responsible for the pertinent act on 19 April, poll elections were authorised in a further thirty-four burghs. There is no obvious geographical pattern, and the reason why the remaining twenty-eight burghs were not included in the act is uncertain, although, as mentioned, the fact that several burghs proceeded to elect new officials before receiving intimation from the Convention, may provide a probable explanation.⁴⁰⁵ For example, in January, the Burntisland council

being certainly informed that ther are severall of the royal burrowes of this kingdom that have elected new baillies and council for this yeir, They do ther-

⁴⁰² *Extracts from the Records of the Burgh of Edinburgh 1689 – 1701*, H. Armit (ed.), (1962), xii.

⁴⁰³ *APS*, IX, 42, 47, 50-51.

⁴⁰⁴ *Ibid.*, 42.

⁴⁰⁵ *Leven and Melville Papers*, 85-85, 142-143, 237-238. Glasgow was exempt from the act because of its former status, the nomination of the provost a priviledge of the Duke of Lennox – William Douglas, third Duke of Hamilton suggesting that the priviledge should now devolve on the King. Glasgow had to petition the court in order to obtain freedom of election comparable with the other royal burghs. Similarly, in September 1692, there was an attempt to restore former practises in St. Andrews, where, in the past the Archbishop had appointed the provest, bailies, dean of gild and treasurer. It was proposed that a list of suitable candidates should be sent to the King’s commissioner who would appoint those acceptable. Following a protest from the burgh, the scheme was abandoned in November. Evidently, the new regime had no problem with adopting Episcopal style municipal nomination when it served their purpose.

for think fitt to make a new election and appoints the nixt councill day for choysing a new councill...⁴⁰⁶

Likewise, on 10 January, in a meeting of the Kirkcaldy council, the former provost Matthew Anderson ‘...produced ane act of the committie of his Majestie’s Privie Counsell...granting the Magistrats and Toune Counsell, who were in office the tyme immediatelie preceding his Majestie, being pleased to nominat and appoynt a Magistrate to meet with all convenient dilligence and elect and choyse Magistrats and Toun Counsell to succeed them’.⁴⁰⁷ Nevertheless, both Burntisland and Kirkcaldy were among the burghs ordered to elect new officials in April. This apart, the nomination of overseers was a stipulation unique to these municipal elections. Their exact role is rather vague, but it is no coincidence they were mainly drawn from the ranks of the influential landed elite. For instance, in Anstruther Easter, Sir Philip Anstruther, Kt., captain of the local troop of militia horse was named one of three overseers. Whether his command happened to be present on the day of election or not, he enjoyed extensive regional influence. The Linlithgow burgh records provide additional detail. On 27 April, the clerk recorded that

The lairds of Dudieston and Bowbardie being present to sie the election made, they caused publickly read over the forsaid act, And the haill burgesses being publickly advertised by the clerk to compeir this day for making the election

⁴⁰⁶ NAS B 9/12/15, Burntisland Council Minutes 1688 – 1701, 10.

⁴⁰⁷ L. Macbean, The Kirkcaldy Burgh Records, (Kirkcaldy, 1908), 214.

and to give in the subscryved lists of magistrats and toun councill, Compeired the number of ane hundreth...⁴⁰⁸

However, a complaint raised before the Convention, concerning the conduct of the Montrose overseers, further illuminates their role. David Auchterlony reported that during the election ‘...the officers [were] posted at the door to debarr them, so that without doubt unqualified persones have been admitted to vote...such of the neighbourhead and burgesses as were of provost Turnbolls syde were debarred, and these of Taileors syde admitted to be present at the electione...’⁴⁰⁹ Likewise, he contended that by ‘...the stent roll herewith produced, and by the subscryved list of qualified burgess that voted for provest Turnbull, and his sett of magistracie, his voters exceeded those for provest Taileor and his magistracy in thirty and upwards, and yet Taileor is reported by the overseers...[John Ogilvie of Pitmuies and Auchtelony of Guynd]’.⁴¹⁰ In response the two overseers represented David Auchterlony as ‘...a most factious and contentious persone, [who] has been endeavouring to creat trouble and maintain factions in the burgh these severall years bypast, and hes done all he could to violate the priviledges of the burgh, by the influence he had with some popish priests, and particularly he was the only persone, that did procure a letter from the late King James in the year [sixteen] eighty seven nominateing and appoynting the magistrates and Councill of the said burgh...’⁴¹¹ Auchterlony, countered that ‘...the fidelity of Provest Turnbull and the rest of that magistracy to the present government is beyond doubt, they being nowayes subject to any influnce from the Earle of Airlie,

⁴⁰⁸ NAS B 48/9/4, Linlithgow Town Council Minute Book 1673 – 1694, 785. The hundred burgesses participating in the council election was considerably less than the turnout for the former parliamentary election – allowing for inconsistencies in George, Lord Livingstone’s commission.

⁴⁰⁹ APS, IX, 88.

⁴¹⁰ Ibid.

⁴¹¹ Ibid.

Dundee or others, as Taileor and his magistracy are...'⁴¹² However, on closer examination Auchterlony admitted to having stated that the Prince of Orange would not accept the throne upon the terms offered, '...but resolved to make a conquest nation of Scotland...', the estates finding Robert Taylor legally elected.⁴¹³ Despite the attempt to associate the new council with local Jacobite peers, the estates accepted the recommendation of their officials. Employed to ensure the legality of proceedings, the fact that the overseers were also responsible for '...calculateing the votes...', is of clear significance. The current analogy would be a returning officer, although in seventeenth-century Scotland the role of the overseer was more proactive and their power more extensive – regional status guaranteeing an agreeable result.

The decision to implement popular municipal elections in April 1689 was a considerable success, sweeping away the detritus of Stewart burgh reform. This is illustrated in Ayr, where of the full burgh council of seventeen, only the dean of guild and a councillor were continued in office.⁴¹⁴ Likewise, in Linlithgow, the following were chosen – Walter Stewart, provest; William Higgins; Robert Turnbull; John Smith; and Thomas Maine, bailies; John Beir, dean of gild; Jerome Hunter, treasurer; Robert Clark; Robert Russell; Adam Burknay; James Young; Robert Storie; Thomas Andrew; Robert Andrew; James Keir; James Johnston; James Russell; Robert Higgins; and James Watson, councillors; James Russell, deacon of tailors; Henry Duncan, baxters; James Waugh, cordmakers; James Clark, weavers; James Meikle, wrights; William Peebles, coopers; George White, fleshers; and John Broadbridge, smiths.⁴¹⁵ In comparison to the equivalent case study discussed earlier in the chapter, only five of

⁴¹² Ibid.

⁴¹³ Ibid.

⁴¹⁴ G. S. Pryde, 'Development of the Burgh', in *The Royal Burgh of Ayr, Seven Hundred and Fifty Years of History*, A. I. Dunlop (ed.), (1953), 46.

⁴¹⁵ NAS B 48/9/4, *Linlithgow Town Council Minute Book 1673 – 1694*, 786.

these twenty-eight individuals were part of the nominated council in October 1686 – including the dissident Thomas Maine – while only John Young had been part of the previous elected council in September. In this respect, the extent – and purpose – of Revolutioner municipal reform rivals that begun by James VII some three years earlier. The main difference was the fact that although influenced by external factors, latter reform was achieved with a semblance of freedom – explaining the temporary adoption of popular politics. Once the local infrastructure was secure, there was no need to continue with this innovative procedure, a small dependable electorate, stipulated by the traditional electoral method, much easier to influence than those participating as a result of the broad franchise in 1689.⁴¹⁶ In effect, the Revolutioner elite focused discontent toward James VII's local reform, turning his antagonist policy on its head – their inclusive approach achieving the level of cohesion the former regime had hoped for.

The consolidation characteristic of local reform is also evident in period by-elections. Discussion has been dominated by consideration of the Convention, for the reason that it was the outcome of the only general election of the period, establishing the composition and tenor of the resultant Parliament – forty-two percent of the burgh estate serving continuously from 1689 – 1702. However, there were twenty-seven new commissioners chosen in the first six sessions of Parliament.

Figure 1 – *Reasons For Scottish Burgh By-Elections 1689 – 1696*

⁴¹⁶ Plumb, *Political Stability*, 34-39. The size of the borough electorate in England was a source of considerable contention throughout the seventeenth century. Opposition in the House of Commons invariably preferred the widest possible franchise, while the court wanted to restrict it, often to the mayor, aldermen and common councillors – comparable with the Scottish system. The fact that the country party found it extremely difficult to make any progress in the burghs during the electoral campaign of 1698 – 1702, is testimony to the success of Revolutioner local reform.

	<i>First Session</i>	<i>Second Session</i>	<i>Third Session</i>	<i>Fourth Session</i>	<i>Fifth Session</i>	<i>Sixth Session</i>
<i>Death</i>	-	1	1	6	3	3
<i>Expulsion</i>	-	-	-	7	1	2 ⁴¹⁷
<i>Office</i>	-	1	-	-	-	1
<i>Unknown</i>	-	-	-	-	1	-
<i>Total</i>	-	2	1	13	5	6

From the above statistics it is apparent that the most common reason for a new election was the death of the incumbent commissioner. In descending order expulsion was the next largest category – the places of ten members of Parliament declared vacant in the period 1689 – 1696. Those who had absented from the Convention were fined in 1689, but no definite action was taken until 1693, when expulsion was the cause of elections in Brechin, Dunbar, Forres, Inverurie, Kilrenny, Kintore and Rothesay. Of those expelled only Henry Maule of Kellie, commissioner for Brechin; Thomas Tulloch of Tannachie, member for Forres; George Bethune for Kilrenny; and Sir Robert Stewart of Tillicoultie, 1st Bt., commissioner for Rothesay, show evidence of Jacobitism.⁴¹⁸ In Dunbar, Inverurie and Kintore the reason for absence was almost certainly economic. In addition, Parliament issued new warrants for Anstruther Easter and

⁴¹⁷ This included John Dick, commissioner for Stirling, expelled from parliament in July 1695, for menacing Alexander Ged, member for Burntisland.

⁴¹⁸ Sir Robert Stewart of Tillicoultie, 1st Bt., was the uncle of Sir James Stewart of Ardmaleish and Kirkcounie, 3rd Bt., commissioner for Bute, whose seat was also declared vacant in April 1693. It is apparent that the convention parliament did not consider Jacobite absentees a pressing matter, content that they made no input to the parliamentary process. In any event, the Jacobite minority formed a negligible fraction of total burgh representation.

Lochmaben, although there were no elections until September 1696 and May 1695 respectively – the vacancies explained by financial insecurity in the first instance, and infirmity in the second, Thomas Kennedy of Halleaths receiving a discharge of his fine on certificate of illness. Finally, there were by-elections in Cullen and Stranraer prompted by the promotion of Sir James Ogilvie of Churchill, Kt., and Sir John Dalrymple of Stair, Kt., to the offices of secretary of state and lord advocate. In each instance, the new commissioners appear representative of the Revolutioner interest, local politics influenced by comparable factors that conditioned the general election. Nonetheless, there is no equivalent evidence of contest, with only one double election in Anstruther Easter coming before Parliament on 9 May 1695.⁴¹⁹ It is possible that there was additional conflict in the localities, but with the franchise reverting to the self-generating burgh councils from 1689, there was a narrower electorate and greater chance of consensus.

In conclusion, municipal government restructuring was a complete success, complementing electoral reform. The temporary implementation of popular politics ensured a Revolutioner majority in the Convention Parliament – committed Jacobites and unexplained absentees very much in the minority. From this point the Revolutioner elite consolidated their position, engineering a comprehensive purge of local administration. In this respect, the accepted notion that the Convention was initially balanced, and that James VII's ill-advised letter to the estates on 16 March determined the strength of both parties is increasingly unlikely. The political community were well aware of the King's approach long before they considered his demand for unconditional obedience. The struggle for control of the Convention Parliament had been won

⁴¹⁹ There is no record of who contested the election, the estates finding both commissions illegal on 16 May 1695.

some weeks earlier, in the tolbooths and parish kirks where the greater part of election meetings were held.

CHAPTER 4

**‘...Forfeited rebels and gentlemen of no fortunes,
respect or families in the Kingdom...’⁴²⁰**

The Shire Estate 1689 – 1697

Despite the decision to temporarily extend the franchise in the burghs, shire electoral procedure – with the exception of the suspension of the Test Act – went unaltered. Contrary to a recommendation of the Presbyterian elite – who proposed the enfranchisement of all Protestant freeholders – the shire electorate was determined by existing legislation.⁴²¹ An act passed on 17 September 1681, in the third Parliament of King Charles II, had stipulated that only those in possession ‘...of a ffourty Shilling land of old extent holden off the King or Prince...or wher the said old extent appears not, shall be infest in Lands lyable in publick burden for his Majesties supplies for ffour hundred punds of valued rent...’, should have the right to vote in shire elections.⁴²² In an attempt to clarify this, Parliament ordained that the freeholders of each shire should be convened annually, and rolls of election produced, an undoubtedly practical measure.⁴²³ Throughout the later seventeenth century, controverted elections in the shires were far more numerous than in the burghs, and generally took longer to resolve. This was primarily due to the complex procedure involved in calculating the extent and value of an individuals’ estate, and therefore his right to vote. In 1681, five shire elections came before Parliament – Berwick, Haddington, Linlithgow, Peebles, and Stirling – compared with three burgh elections – Inverkeithing, North Berwick,

⁴²⁰ D. Szechi (ed.), *‘Scotland’s Ruine’, Lockhart of Carnwath’s Memoirs of the Union*, (Aberdeen, 1995), 8.

⁴²¹ See chapter 2.

⁴²² APS, VIII, 353.

⁴²³ Considering the survival of electoral rolls for Kinross-shire, dating from the early eighteenth century, it would appear these stipulations were observed. However, no comparable document survives for the period 1689 – 1702.

and Selkirk. Similarly in 1685, Parliament resolved a further five disputed shire elections – Aberdeen, Ayr, Berwick, Haddington, and Ross – on this occasion there being no comparable burgh contest. In 1689, as a result of the decision to extend the burgh franchise, the spread of controverted elections was noticeably different. Only the Berwickshire and Ross elections were brought before the Convention, compared with the seven burghs commissions discussed in the previous chapter. However, this was only a temporary development, and by 1702 controverted parliamentary elections had reverted to an established pattern, with twelve disputed shire elections and only four in the burghs. The larger electorate, social status, and greater financial independence of the shire elite, provides the explanation for this.

Illustrated in the former chapter, in the burghs a commissioner was usually chosen by the council, a finite group of approximately twenty – the provost or another senior official invariably securing nomination. In comparison, there were potentially far more prospective candidates in the shires and therefore a greater chance of conflict – particularly in a region with more than one predominant local landed interest. In this respect, although this explains the increase in burgh contest, it does not explain the inconsistency evident in 1689, with only two shire elections coming before the Convention. However, in general, a contemporary shire commission does not necessarily contain the same rhetoric as its burgh equivalent, giving no clue whether an election was carried by a majority or unanimous vote – although this should not give the impression that there was no contest.⁴²⁴ As formerly stressed an election could be disputed without being controverted. Regarding the composition of both elected estates, in the shires there was more continuity with the previous Parliament. Of burgh representa-

⁴²⁴ In addition a substantial amount of period shire commissions do not contain comparable signatory evidence.

tion, only thirty-one percent of commissioners had any previous parliamentary experience. In contrast, twenty-nine shire members – fifty-two percent – were experienced parliamentarians, sixteen having served in the previous Parliament of 1685 – 1686. The decision to implement poll elections in the burghs had a greater affect on the composition of the Convention, with the introduction of more new men.⁴²⁵ Nevertheless, does this statistic have any bearing on the allegiance of shire representation, or does analysis suggest that shire elections were as susceptible to the local and national factors that conditioned burgh politics?

Using the same geographical framework utilised in the burghs, the borders provides an adequate region from where to begin this review. In Wigtownshire the barons and freeholders – ‘...accompanied by their retainers, swarm[ing] in martial groups round the market-cross...’⁴²⁶ – assembled on 3 March. Choosing Sir Andrew Agnew of Lochnaw, 3rd Bt., as their chairman, it was discussed whether the successful commissioners ‘...were to be given definite instructions in such an unusual crisis of the public affairs, or whether they should be sent to the convention entirely unfettered, each to act as he himself thought fit’.⁴²⁷ Put to the vote, a limited commission was carried by twenty votes to six – followed by a resolve to draw the instructions before proceeding to election, approved by sixteen votes to thirteen – Richard Murray of Broughton entering a formal protest against a ‘...limited commission as unusual in like cases, and

⁴²⁵ Plumb, *Political Stability*, 68; R. Lee, ‘Retreat from Revolution: The Scottish Parliament and the Restored Monarchy, 1661 – 1663’, *Celtic Dimensions of the British Civil Wars*, J. R. Young (ed.), (Edinburgh, 1997), 187. Lee has identified comparable statistics with regards the membership of the 1661 Restoration Parliament. Less than one-third of shire and burgh commissioners had previous parliamentary experience, ‘...a large majority in Parliament can in a sense be regarded as ‘new’ men, without prominent records or noticeably strong allegiances’. Likewise, of the eighty-four shire commissioners who attended Parliament in 1703, forty-six had no former experience – thirty-seven of the sixty-six members of the burgh estate similarly inexperienced. In addition, J. H. Plumb considering the composition of the 1689 English Convention, identified a similar trend, with ‘...the balance of power...certainly held by men who had never previously sat in Parliament...’

⁴²⁶ Agnew, *Sheriffs*, 437.

⁴²⁷ *Ibid.*, 438.

not allowable by law'.⁴²⁸ Nonetheless, instructions were duly drafted, directing their representatives

That they should act or do nothing prejudicial to moderate Presbyterian Government. That they should be instrumental and forward to procure that the whole grievances of the kingdom be reversed, and particularly not to condescend to arbitrary government or absolute power. That they should endeavour to get an ease of the public burdens already imposed upon the kingdom, if it lay in their power.⁴²⁹

These instructions were not part of the commission, although considering the protest of Broughton this is not surprising – explicit directions were not a feature of these documents. However, this does not indicate that a successful commissioner attended Parliament without receiving advice from his electors. This concluded, Lochnaw called the roll, the electorate numbering somewhere in the region of thirty.⁴³⁰ Following several protests concerning the right of various participants to vote – characteristic of shire elections – the majority proceeded to choose Sir Andrew Agnew of Lochnaw, 3rd Bt., and William McDowall of Garthland.⁴³¹ In this instance a detailed record of the vote survives. Lochnaw polled twenty-seven votes, Garthland twenty-one, Sir John Dalrymple of Stair, Kt., thirteen, and Mr. William Stewart of Castlestewart received one.⁴³² Disappointed with the result, several desired ‘...that a commission be drawn to Sir Andrew Agnew and Sir John Dalrymple...’, consequently preparing a

⁴²⁸ Ibid.

⁴²⁹ Ibid.

⁴³⁰ Ibid., 439. The text contains a detailed list of participants and absentees, although the author remarks that two or three names have been lost.

⁴³¹ NAS PA 7/25/34/11/1.

⁴³² Agnew, Sheriffs. Evidently each participant received two votes.

rival document. Nevertheless, it appears that the matter was resolved before reaching the Convention.⁴³³ Both commissioners are consistent with the Revolutioner stereotype identified in the previous chapter. Lochnaw had been hereditary sheriff of Galloway, but refusing to take the Test, was superseded by John Graham of Claverhouse in 1682. Likewise, Garthland came from a Covenanting background. His father, Sir James, had been an active member of Parliament throughout the 1640s, and he was himself punished for encouraging conventicles in 1678.⁴³⁴ Of the other candidates, Dalrymple had abandoned his former patron, only the allegiance of Castlestewart – fourth son of James, second earl of Galloway, and one of the shire’s commissioners to the former Parliament – remaining uncertain.⁴³⁵ On 30 September 1700, Lord Basil Hamilton referred to Castlestewart – his opponent in the controverted shire election of that year – as a ‘...member in Duke Queensberrys Parliament [who] consented, to all the impious and intollerable acts, and also a member in Murrays Parliament, and has never yet taken the oaths no more than myselfe, and he likeways told me he would lay by and would not take the oaths...’⁴³⁶ Whether or not Castlestewart represented the Jacobite interest, he was an unpopular choice, possibly associated with the former regime. Nevertheless, the most important aspect of the election is the fact that it was disputed. Comparable to the trend identified in the burghs, electoral contest was far more extensive than the handful of cases settled in the Convention. In addition, there is an obvious parallel with equivalent burgh representation, the preferred commissioners drawn from those disaffected to the former government.

⁴³³ Ibid. Sir John Dalrymple, Kt., secured election for Stranraer. See chapter three.

⁴³⁴ Young, *Commissioners*, II, 450-451.

⁴³⁵ The other commissioner in 1685 – 1686, was Sir Andrew Agnew of Lochnaw, 3rd Bt.

⁴³⁶ NAS GD 406/1/4707. For full details of the election see chapter six.

In Roxburgh the outcome of the election was dissimilar. On 28 February, Sir William Eliott of Stobs, 2nd Bt., and Sir Patrick Scott of Langnewton and Ancrum, 2nd Bt. were returned as shire representatives. Their commission was endorsed with twenty-five signatures – approximately forty percent of which belonged to Eliott and Scott lairds.⁴³⁷ Participation is comparable with Wigtown, but over the course of the reign, turnout fluctuated – ranging from a low of seven in May 1693, to a comparable twenty-two in May 1700.⁴³⁸ It is difficult to establish a reason for this, or how widespread the trend actually was. There was possibly greater interest in a general as opposed to by-election – particularly at the Revolution – the latter figure explained by increased political contest as a result of the court and country struggle in 1698 – 1700. Nonetheless, Stobs had a pedigree at odds with either of his Wigtownshire colleagues. His father, Sir Gilbert, was a distinguished Royalist, regularly representing the shire in the Restoration Parliaments of the 1660s.⁴³⁹ This probably explains his decision to quit the Convention at the beginning of April 1689. Fined for absence in July, and again in April 1693, his seat was subsequently declared vacant. On the other hand, Sir Patrick Scott – commissioner for the shire 1685 – 1686 – is recorded in the sederunts of the first two sessions of Parliament. Despite no obvious motivation, he was absent from September 1690, incurring the same punishment as Stobs.

Likewise, a similar pattern recurs in several of the border burghs. In neighbouring Dumfriesshire, both commissioners – Sir John Dalzell of Glenae, 2nd Bt., and Sir James Johnston of Westerhall, Kt. – absented from the Convention, although they had returned to Parliament by April 1690.⁴⁴⁰ Similarly, in Selkirkshire, there is evidence

⁴³⁷ NAS PA 7/25/30/10.

⁴³⁸ NAS PA 7/25/30/12; PA 7/25/30/14.

⁴³⁹ Young, *Commissioners*, I, 225.

⁴⁴⁰ *Proceedings*, I, 17.

of comparable behaviour. The electorate preferred George Pringle of Torwoodlee and Sir William Scott of Harden, Kt. – Sir Francis Scott of Thirlestane, 1st Bt. ‘...[losing] it by his stay [in England], som say by his arguing for the regency which is understood as a calling bak the King in other terms...’⁴⁴¹ Torwoodlee was a staunch Presbyterian and veteran of both Argyll’s Rising and the Rye House Plot. Accused of treason, he had been forced to flee to Holland, returning with the Prince of Orange in 1688.⁴⁴² Harden had also participated in Argyll’s ill-fated rebellion, being imprisoned for fifteen months as a result.⁴⁴³ However, he did not attend the third session of Parliament, was fined for absence, and his seat declared vacant in 1693. It is extremely improbable that his decision was prompted by Jacobitism, his non-appearance more likely the result of a prolonged legal case to have a previous fine remitted and the balance refunded by Sir George Mackenzie of Rosehaugh, Kt. – concluded in his favour in 1695. Like the burghs the local situation and personal circumstances of those concerned often affected attendance.⁴⁴⁴

In Peeblesshire, Sir Archibald Murray of Blackbarony, 3rd Bt. and Sir David Murray of Stanhope, 2nd Bt. were elected on 1 March. Eighteen signatures were appended to their commission – a figure relatively consistent with those detailed above.⁴⁴⁵ Blackbarony was an accomplished parliamentarian, representing the shire in 1661 – 1663, 1665, 1667, 1669 – 1674, 1678, 1681, 1685 – 1686 and 1689. Created a Privy Coun-

⁴⁴¹ NLS 7011/149.

⁴⁴² Young, *Commissioners*, II, 574.

⁴⁴³ *Ibid.*, 613.

⁴⁴⁴ *The Diary and General Expenditure Book of William Cunningham of Craigends*, J. Dodds (ed.), (Scottish History Society, 1887), xxxvi-xxxviii; N.A.S., PA7/14/14; PA7/14/17; PA7/14/18; PA7/16/54. Nonetheless, like burgh commissioners, shire representatives received expenses for attending Parliament – a proportion of their fee paid by each freeholder dependant on the value of their possessions in the shire. Five relevant claims survive – four concerning the fees of Thomas Drummond of Riccarton and Patrick Murray of Livingstone, commissioners for Linlithgowshire. The other relates to William Cunningham of Craigends, member for Renfrewshire.

⁴⁴⁵ NAS PA 7/25/26/8.

cillor in 1689, he was a consistent supporter of the court until his death in 1700.⁴⁴⁶ In comparison, Murray of Stanhope's grandfather, Sir David, had fought under Montrose, and his father, Sir William, was a Royalist – rewarded with a baronetcy for his loyalty at the Restoration.⁴⁴⁷ This almost certainly explains the behaviour of Stanhope, who withdrew from the Convention failing to attend any further session. On 16 May 1693, his vacant place devolved on Alexander Murray of Halmyre – Blackbarony's cousin.⁴⁴⁸ It is possible that a split return reflected the political diversity of the locality, comparable to a traditional pattern of compromise identified by J. H. Plumb in England. Plumb observed that in many counties the Whig aristocracy named one member of Parliament and the Tory country gentlemen the other, although during the period 1689 – 1715 he identified little cooperation.⁴⁴⁹

This trend is also applicable in Berwickshire, where those maintaining an allegiance to the deposed King James made a concerted electoral effort. The only contested shire election to come before the Convention; Berwickshire provides additional evidence of actual conflict. The Ross-shire election was settled by the estates, but the complaint raised against the prospective commissioners – Sir George Munro of Culcairn and Newmore, Kt. and Sir George Munro of Foulis, 4th Bt. – was procedural, and ultimately resolved in their favour.⁴⁵⁰ On the other hand, in Berwickshire, Jacobite candidates disputed both places. As a nobleman, the first of these, Charles, sixth earl of Home, was legally debarred from representing a shire. However, he attempted to secure election on the grounds that he had no inclination to assume his title because of

⁴⁴⁶ Young, *Commissioners*, II, 521-522. On his death, his place in Parliament was assumed by his, son Sir Alexander Murray of Blackbarony, 4th Bt.

⁴⁴⁷ *Ibid.*, 532-533.

⁴⁴⁸ NAS PA 7/25/26/9.

⁴⁴⁹ Plumb, *Political Stability*, 72.

⁴⁵⁰ NAS PA 7/25/29/8.

the crippling debts that paralysed his estates. Instead he preferred to be known by the lesser designation ‘Charles Home of Aitoun’.⁴⁵¹ The second Jacobite candidate, Archibald Cockburn of Borthwick, was the eldest son of Sir Archibald Cockburn of Langton, 2nd Bt. – ironically one of the two successful Berwickshire representatives.⁴⁵² In this instance, there is no cause to doubt the Jacobitism of either man, both suffering intermittent periods of imprisonment on account of their political allegiance. Likewise, the adherence of the fourth participant – Sir Patrick Home of Polwarth, 2nd Bt. – is also straightforward. Accused of complicity in the Rye House Plot and latterly involved in Argyll’s rising, Polwarth fled to Holland, returning with the Prince of Orange in 1688.⁴⁵³ Commenting on the election, John Hay, second earl of Tweeddale observed that ‘...it is doubtid Sir Patrick Hoom will carry in the merse though he is upon the place...’⁴⁵⁴ Notwithstanding Tweeddale’s pessimism, it is no surprise that the committee for controverted elections, representative of the Revolutioner elite, found in favour of Langton and Polwarth. Technically, the election of the latter – a Presbyterian émigré under sentence of forfeiture – was illegal, Polwarth incapable of sitting in the Convention. Nevertheless legality was not necessarily practical, and could be manipulated to serve the ascendant interest.⁴⁵⁵

In conclusion, Jacobite politicians were active in the border shires, possibly more so than elsewhere in the Kingdom. Whether this reflects genuine conservatism in the southern shires, or the regional predominance of William Douglas, first duke of Queensberry – who remained aloof in the first months of Revolution – is uncertain.

⁴⁵¹ Balcarres, 24. Despite his claim, Home had sat as a member of the Privy Council as a nobleman.

⁴⁵² Often known by the designation Archibald Cockburn of Langton younger.

⁴⁵³ Young, *Commissioners*, I, 353-354.

⁴⁵⁴ NLS 7011/149; 7011/177.

⁴⁵⁵ In addition, if strictly legal practice had been observed neither Archibald Campbell, tenth Earl of Argyll, nor George Pringle of Torwoodlee could have sat in the Convention Parliament.

Nonetheless, the fact that several Jacobite candidates secured election is of some significance, and at variance with the burgh return. Jedburgh was controverted, but in general, Presbyterian candidates secured all available places. Of further consequence is the fact that the elections in Wigtown, Selkirk and Berwick were contested – at least in the last instance by participants at either end of the political spectrum. However, given the cumulative percentage of the population prosecuted by the Privy Council for conventicling in the period 1666 – 1685, this pattern is not necessarily surprising.⁴⁵⁶ Jacobite electoral success was at best temporary, the places falling vacant in 1693, occupied by more acceptable candidates like Halmyre. Even so, this does not detract from the limited success of the potentially coordinated electoral campaign fought by opposition candidates in the borders.

In eastern Scotland conservative electoral activity is less evident. In Fife both commissioners – William Anstruther of that ilk and John Dempster of Pitliver – were consistent supporters of the Revolution – the former described by Colin Lindsay, third earl of Balcarres as a leader of the ‘...Presbyterian and discontented party...’ in 1688.⁴⁵⁷ The election took place in Cupar on 1 March 1689, and while no evidence of opposition is recorded, only twenty-five individuals subscribed the commission.⁴⁵⁸ This is significantly less than the forty-two signatures that appear on the equivalent document dated 17 March 1685.⁴⁵⁹ In addition, there is further discrepancy with regards the commission from October 1702, endorsed with an impressive sixty-four

⁴⁵⁶ *Atlas of Scottish History to 1707*, P. G. B. McNeill and H. L. MacQueen (eds.), (Edinburgh, 1996), 396. From 1666 – 1685, 2.8 percent of the laity in Galloway were prosecuted for conventicling, 1.2 percent in Dumfries and 3.1 percent in the Merse and Teviotdale – with apparently no citations after 1681. In comparison, in Lothian and Tweeddale 16.5 percent were cited, 26.4 percent in Fife, and 20.6 percent in Glasgow and Ayr.

⁴⁵⁷ Balcarres, 12-13.

⁴⁵⁸ NAS PA 7/25/14/12.

⁴⁵⁹ NAS PA 7/25/14/11.

names.⁴⁶⁰ Comparable to statistics recorded in Roxburgh, the reason for fluctuation is difficult to establish. For instance, from an individual perspective, no representative of the Halkett family participated in the 1689 election, although they took part in both the previous and subsequent meetings. This was almost certainly due to the fact that Sir Charles Halkett of Pitfirrane, 1st Bt., was attempting to secure election for the Fife burgh of Dunfermline at the moment the shire electorate convened in Cupar. Nonetheless, apart from a few such exceptions, attempting to identify those absent – or even present – in 1689 can prove a futile enterprise. The signatures of those participating seldom include their full designation, and in regions with a proliferation of common surnames it is difficult to tell one freeholder from another. In truth, so little is known about the lesser noble families of Scotland, that it is often difficult to comment on the location of an estate with accuracy, never mind the political motivation of its proprietor. This aside, a contemporary report in the ‘Carstares State Papers’ estimating residual support for the former regime mentions several suspect individuals in the region, illustrating obvious potential for conflict. Even so, it is still possible to state with some confidence, that – consistent with the equivalent burgh returns – the Revolution interest was ascendant in Fife. This was confirmed by the choice of additional commissioners in August 1690. On this occasion, the electorate preferred James Melville of Halhill – fifth son of the moderate Presbyterian, George, first earl of Melville, then one of the most important Scottish court politicians – and George Moncreiff of Reidie – another identified as a leader of the opposition in 1688, and in addition, Halhill’s father-in-law.⁴⁶¹ In this respect, there can be little doubt as to the commitment of the shire.

⁴⁶⁰ NAS PA 7/25/14/14.

⁴⁶¹ NAS PA 7/25/14/13.

In comparison, those sympathetic to the former regime enjoyed limited electoral success in Mid-Lothian. Gathered in the Parliament House on 27 February, thirty-one signatures were appended to the commission of Sir James Foulis of Colinton, 3rd Bt., and Sir John Maitland of Ravelrig, 1st Bt.⁴⁶² Statistically consistent with Fife, turnout in Mid-Lothian was subject to the same variation. For instance, in August 1690 the commission in favour of the shire's two additional representatives – Sir John Clerk of Penicuik, 1st Bt. and Sir Alexander Gilmour of Craigmillar, 1st Bt. – was signed by only seven individuals. Likewise, through 1689 – 1702, successful candidates in miscellaneous by-elections polled on average fifteen votes.⁴⁶³ This trend was reversed in 1702, when recorded votes equalled the previous high of thirty-one.⁴⁶⁴ Similar to Roxburgh, this supports the assertion that a general election was more of an occasion than the intermittent local meetings convened to fill vacancies, while the increase in 1702 – evident in both Fife and Mid-Lothian – can also be attributed to heightened party contest. In any event, in Mid-Lothian, the commissioners elected in 1689 represented the shire in the previous Parliament of 1685 – 86. However, with regards allegiance there was a distinct lack of consensus. Foulis, the son of the former lord justice clerk, and an Ordinary Lord of Session since 1674, remained loyal to his former patron.⁴⁶⁵ He withdrew from the Convention after failing to acknowledge the estates' letter to the Prince of Orange, congratulating him on his success '...in delyvering us and in preserveing to us the Protestant religion...' ⁴⁶⁶ In general, most Jacobites – including the more prominent like Dundee, Balcarres, and Panmure – willingly subscribed the act declaring the Convention a free and lawful meeting, but balked at endorsing a letter they considered inconsistent with their support for James VII. Like his

⁴⁶² NAS PA 7/25/13/11.

⁴⁶³ NAS PA 7/25/13/12; PA 7/25/13/13; PA 7/25/13/14; PA 7/25/13/15.

⁴⁶⁴ NAS PA 7/25/13/16.

⁴⁶⁵ Young, Commissioners, I, 261.

⁴⁶⁶ APS, IX, 20.

fellow absentees in the border shires, Foulis was fined in July 1689 and again in April 1693, when his seat was declared vacant. In comparison, the career of Sir John Maitland – second son of Charles, third earl of Lauderdale – was considerably different. Despite the fact that his elder brother, Richard, the fourth earl – son-in-law of the Presbyterian martyr, Archibald Campbell, ninth earl of Argyll – chose exile with King James, Maitland subscribed to the Revolution.⁴⁶⁷ Nominated as a member of the Privy Council in 1689, he succeeded to the Lauderdale earldom on the death of his brother in 1695. Like Peebles, it is uncertain whether the Mid-Lothian electorate – or any comparable shire – made a conscious effort to elect commissioners representative of each dynastic interest. Nevertheless, there is less doubt concerning electoral contest. On 28 February, Tweeddale reported that ‘...this shir elected yisterday Sir John Maitland and Colingtoun, [Sir John Baird of Newbyth, Kt.] was within three of him...’⁴⁶⁸

The latter is also apparent in Haddington, where John Hay, second earl of Tweeddale had at first considered his son David as a candidate, ‘...for I find many are inclined to choyse of him...’⁴⁶⁹ However, nothing was done beyond this initial deliberation. Instead, Tweeddale considered Andrew Fletcher of Saltoun and Adam Cockburn of Ormiston as the probable choice.⁴⁷⁰ Nonetheless, on 16 March, he wrote to his son, John, Lord Yester, reporting that ‘...Saltoun was not so much as named in East Lothian, all the votes run twixt Stevenstoun and Ormiston, Sir [James] Hay and Sir [John] Lauder, the two first I judge carry’d for non of the two last were present...’⁴⁷¹ In this case, there is no doubt concerning the political allegiance of either representa-

⁴⁶⁷ Young, *Commissioners*, II, 468-469.

⁴⁶⁸ NLS 7011/147. This is all the more relevant considering comparable contest in the burgh.

⁴⁶⁹ NLS 7011/127.

⁴⁷⁰ NLS 7011/137; 7011/149.

⁴⁷¹ NLS 7011/177. The unsuccessful commissioners were Sir James Hay of Linplum, 1st Bt., and Sir John Lauder of Fountainhall, 2nd Bt.

tive. For example, in 1689, Sir Robert Sinclair of Stevenson, 3rd Bt., was named sheriff of Haddington and created a Privy Councillor in 1690.⁴⁷² Similarly, Ormiston was considered a leader of the Presbyterian opposition in 1688, and appointed lord justice clerk in 1692.⁴⁷³ Much the same can be said of the unsuccessful candidates, Sir John Lauder of Fountainhall, 2nd Bt., securing election as an additional commissioner for the shire on 14 August 1690, and Sir James Hay of Linplum, 1st Bt., adhering to 'The Humble Adres of the Noblemen, Gentillmen and Royal Borows, Within the Shyre of East Lowthian To His Highnes the Prince of Orange'.⁴⁷⁴ Comparable to equivalent documents subscribed in the burghs – in this instance incorporating the addresses of Haddington and Dunbar – the address thanked the Prince of Orange for '...rescueing of those Kingdoms particularly us of Scotland from the danger of Popery and Slavery...', urging him '...to take us under your protection and perfect so great a work so happily begune and fairly advanc'd, by procuring unto us a free Parliament and that it may be so, restoring the severall Burghs of this Kingdome to their Ancient Priviledges of Choising there owne Magistrats whereby there elections may be free...' In addition, it advocated '...a more strict and inseperable Union then [there] have been as yet...'.⁴⁷⁵ This final clause caused considerable consternation as it contained no special provision for maintenance of the Presbyterian Kirk, some '...so shamles to say of it that it was for episcopacy...'.⁴⁷⁶ Still, this could not have discouraged many from participating, for the address was sent to the Lord Yester endorsed with the signatures of thirty-two gentlemen and twenty-one burgesses.⁴⁷⁷ John Hay, second earl of Tweed-

⁴⁷² Young, *Commissioners*, II, 644.

⁴⁷³ *Ibid.*, Vol. I, 131.

⁴⁷⁴ NLS 7011/94A; 7011/99.

⁴⁷⁵ *Ibid.*

⁴⁷⁶ NLS 7011/95; 7011/92; 7011/94. Tweeddale was concerned about how the address would be received, advising his son that '...it will not be amise that you show it befor to som Scots and Inglish frinds, because of the latter part of it, which insinuats a desir of the unione of the kingdoms...'

⁴⁷⁷ NLS 7011/98.

dale maintained a list of all who signed the document, including twelve omitted for want of time, those entitled to sign but at London or ‘...by the way...’, and several who refused.⁴⁷⁸ The second group, in addition to Yester, included John Hamilton, second lord Belhaven; Cockburn of Ormiston; Sinclair of Stevenson; Fletcher of Saltoun; William Morrison of Prestongrange – the other additional commissioner for the shire elected in 1690; and five others.⁴⁷⁹ In contrast, only five declined to participate in the address, including the then sheriff – Eaglescarnie. While Haddington offers further evidence of electoral contest, Jacobite opposition was negligible, all four potential candidates characteristic of the Revolutioner interest.

By and large, the eastern shires were secured by candidates sympathetic to the Revolution – comparable to the equivalent burgh return. Contest is evident in Edinburgh and Haddington, with potential dissent in Fife, although, as illustrated this did not necessarily involve a conservative candidate. However, there was some residual support for King James, Colinton securing election in Edinburgh – members of the nominated council also contesting the burgh seats. The only comparable case in eastern Scotland occurred in Kinross-shire, where Sir David Arnot of that Ilk, 2nd Bt., attended only two of a possible six sessions of Parliament from 1689 – 1696. His place fell vacant in April 1693, but he was immediately re-elected in May.⁴⁸⁰ The reason for his absence is unclear, although in this instance Jacobitism is debateable. In the final shire included in this bracket – Linlithgow – there is no doubt concerning political motivation, both commissioners, Thomas Drummond of Riccarton and Patrick Murray of Livingstone, among those considered as leaders of the opposition in

⁴⁷⁸ NLS 7011/99.

⁴⁷⁹ NLS 7011/92; 7011/100; 7011/104. Tweeddale mentioned similar addresses in Fife and Midlothian. The intention was to send the Fife address to Yester to present, although there was contest in the latter, ‘...E: Lawder: desining to have his son sent with it...the rest wold have it sent to the E: Louthian...’

⁴⁸⁰ NAS PA 7/25/19/2.

1688.⁴⁸¹ While Jacobite candidates carried a number of seats in southern Scotland, they made little progress in the eastern shires. Considering the continuity with regards former support for the National Covenant and the prevalence of conventicling from 1660 – 1685, this is no great revelation.⁴⁸²

How does this compare with concurrent proceedings in central Scotland, where those representative of the Jacobite interest contested burgh seats in Perth and Stirling? In Perthshire the barons and freeholders elected John Haldane of Gleneagles and Sir James Ramsay of Bamff, 2nd Bt. on 5 March.⁴⁸³ Their commission was endorsed with thirty-five signatures – a figure relatively consistent with those discussed above. However, in this instance both candidates display potential Jacobite behaviour. For example, Ramsay withdrew from the Convention failing to sign the letter of congratulation to the Prince of Orange. He was fined for absence on 10 July 1689 – although he took the oaths of allegiance and Parliament later that month – and again in April 1693, when his seat was declared vacant. Nevertheless, on the latter occasion he had his fine remitted after successfully pleading that he was ‘...so affected by rheumatick pains that he was not able to travel...’⁴⁸⁴ Bearing in mind he was not an elderly man, dying in 1730, his excuse is rather suspicious. Coupled with this, his first wife Christian, was the sister of James Ogilvie, second earl of Airlie, and his eldest daughter Elizabeth had married David, only son of the Jacobite Sir Patrick Thriepland of Fingask, 1st Bt. – who unsuccessfully contested the Perth burgh seat.⁴⁸⁵ On the other hand, Ramsay may have been the unfortunate victim of a debilitating illness. How-

⁴⁸¹ Balcarres, 12.

⁴⁸² *Atlas of Scottish History to 1707*, P. G. B. McNeill and H. L. MacQueen (eds.), (Edinburgh, 1996), 394-396.

⁴⁸³ NAS PA 7/25/27/17.

⁴⁸⁴ Young, *Commissioners*, II, 580.

⁴⁸⁵ *Ibid.*

ever, his connection to two prominent Jacobite families suggests his absence had further motivation. Unlike Ramsay, Haldane acknowledged the letter of congratulation addressed to the Prince, but then withdrew, ultimately succumbing to the same punishment as his fellow commissioner. Closely associated with the House of Atholl, on 30 June 1689, he wrote to John, Lord Murray, explaining that he had ‘...not yet been in the house of parliament because every member has been obliged to take the oath of allegiance...’, adding ‘...I do acknowledge that I am so litel fond of oaths as not to be desyrous to taik aine mor nor what I am alreadie ingadged in’.⁴⁸⁶ Re-elected as a commissioner for Dunbartonshire in May 1700⁴⁸⁷ – as part of the country party’s electoral policy, Haldane an integral component of their organisation – he again represented Perthshire from 1703 to 1707, consistently voting for the Union, earning the epithet ‘Union Jack’.⁴⁸⁸ A firm supporter of the House of Hanover, he suffered considerable loss when Jacobite forces pillaged his estates in 1715. Perhaps this apparent schizophrenic behaviour can be attributed to the fact that his grandfather, Sir John Haldane, Kt., an experienced soldier and fervent supporter of the National Covenant, died serving as a colonel at Dunbar in 1650 – his fate not inconsistent with many Covenanters.⁴⁸⁹ Haldane’s family certainly benefited from this, his father receiving a charter of the lands of Gleneagles, ratified by Parliament in 1681, ‘...in consideration of the good and faithful service of [Sir John]...’⁴⁹⁰ This is not conclusive, although considering both representatives of a region in which a confirmed Jacobite actively contested the burgh seat – almost certainly influenced by John Murray, first marquis

⁴⁸⁶ Sir J. Aylmer, *The Haldanes of Gleneagles*, (Edinburgh, 1929), 103. Haldane and Murray’s fathers were second cousins.

⁴⁸⁷ NAS PA 7/25/12/9.

⁴⁸⁸ Sir J. Aylmer, *The Haldanes of Gleneagles*, (Edinburgh, 1929), 110.

⁴⁸⁹ Young, *Commissioners*, I, 306. The Scots army was purged of Engagers and dubious Covenanters prior to the battle, but it is possible that Haldane was of a conservative rather than radical persuasion, favouring the patriotic accommodation with Charles II. Thanks to Prof. A. I. Macinnes for providing this information.

⁴⁹⁰ *Ibid.*, 307.

of Atholl – lost their places through absence, residual allegiance to King James VII cannot be dismissed.

In Forfarshire, the stimulus of both commissioners is undeniable. On 5 March, twenty-two barons and freeholders returned David Erskine of Dun and Sir George Mackenzie of Rosehaugh, Kt.⁴⁹¹ In comparison, on 2 October 1688, at the annual election stipulated by the 1681 act of Parliament, the electorate had chosen Erskine and Henry Maule of Kellie – brother of James, fourth earl of Panmure, elected as Brechin's representative in 1689.⁴⁹² Consistent with a pattern identified in Edinburgh and Peebles, the commissioners represented conflicting political interests. For instance, Erskine's father Sir Alexander, had been an active Covenanter, while he himself had been implicated '...in the rebellion...', suspected of attending field conventicles, and consequently imprisoned in 1680.⁴⁹³ On the other hand, due to his excessive vigour in prosecuting religious dissidents, the former lord advocate, 'Bloody Mackenzie', was one of the most unpopular men in the kingdom, citing several alleged threats on his life as his reason for absenting from the Convention.⁴⁹⁴ Mackenzie did not return to Parliament dying in October 1691 – an unfortunate affliction which claimed the most able members of the Jacobite hierarchy within the first few years of the Revolution.

In conclusion, Jacobite candidates were more successful in the central belt – a phenomenon also evident in the burgh elections where Jacobites secured Brechin and Stirling, and contested Perth. Likewise, a similar return is apparent in Clackmannan-

⁴⁹¹ NAS PA 7/25/15/11.

⁴⁹² NAS GD 123/138.

⁴⁹³ Young, *Commissioners*, I, 230.

⁴⁹⁴ *Ibid.*, Vol. II, 458-459.

shire, where David Bruce of Clackmannan was chosen as shire representative.⁴⁹⁵ A veteran soldier, he had served as a captain in the Earl of Mar's regiment and as a Lieutenant in Graham of Claverhouse's troop of horse.⁴⁹⁶ It is uncertain whether his past service influenced his non-attendance, but he failed to sign the letter of congratulation to the Prince of Orange, and only appears in the sederunts of the Convention and the second session of Parliament. Like Ramsay, Bruce claimed his absence was due to ill-health, maintaining a tenuous grasp on his seat until May 1700, when the estates issued a warrant for a new election and ordered a commissioner appointed in his place. Ironically, there is little evidence to suggest residual Jacobite electoral activity in Stirlingshire, contrary to the fact that the burgh provided two Jacobite commissioners from 1689 – 1696. The freeholders returned Sir Charles Erskine of Alva, Bandeath and Cambuskenneth, 1st Bt. – grandson of John, nineteenth earl of Mar – and Sir John Houston of that ilk, 2nd Bt. – son-in-law of John Drummond, first earl of Melfort. However, these external factors do not appear to have influenced political behaviour. Erskine was dead by 1690 and Houston served as a member throughout the duration of the Convention Parliament.⁴⁹⁷ The most obvious explanation for the general trend evident in both central burghs and shires, was the local predominance of Charles Erskine, fifth earl of Mar, Panmure, and the marquis of Atholl, all of whom maintained a temporary allegiance to James VII – concurrent with an enduring preference for Episcopal church government.⁴⁹⁸ Although, it is not always possible to categorise an individual as a Jacobite with one hundred percent accuracy, it is possible to state that the electoral experience of the south, east and central Scotland was significantly different.

⁴⁹⁵ NAS PA 7/25/9/9.

⁴⁹⁶ Young, *Commissioners*, I, 78.

⁴⁹⁷ NAS PA 7/25/32/12.

⁴⁹⁸ NAS GD 112/43/17/5.

In the western shires the traditional Covenanting ethos remained strong. Therefore it is no surprise that this should be reflected in the electoral return. This is particularly true of Ayrshire, where William Blair of that ilk and Sir James Montgomerie of Skelmorlie, 4th Bt. – a further two identified as leaders of the Presbyterian opposition in 1688 – were returned as commissioners.⁴⁹⁹ However, Skelmorlie's election had far greater implications for the consequent future of the Convention Parliament. One of the ablest politicians of his generation, Skelmorlie's opposition Club proved more than a match for the government throughout 1689 – 1690. The fact that they were a coherent unit, exhibiting several characteristics consistent with a modern political party has received prior recognition.⁵⁰⁰ Even so, it is possible to add electioneering to their list of activities. Following Blair's death in Jacobite captivity on Mull in October 1689, a new election was called. Held on 29 November, those convened returned Sir James Dalrymple of Stair, 1st Bt., the president of session.⁵⁰¹ His commission was endorsed with thirty-five signatures. However, in a letter to Lord Melville dated 30 January 1690, Stair indicates that he was opposed by a Club candidate, William Muir of Rowallan – polling nineteen votes. Stair goes further, and reports that the '...Club men went a pairt and gave commissione to Rowallan...'⁵⁰² In addition, Skelmorlie attempted to have another election called in Ayrshire, almost certainly in the knowledge that the second session of Parliament would meet in April 1690. Stair observed that '...he will do it upon his call as Commissioner. It is trew the Commissioner of a former Parliament may caus an election be made for a subsequent Parliament, bot ther

⁴⁹⁹ Balcarres, 12.

⁵⁰⁰ J. Halliday, 'The Club and the Revolution in Scotland, 1689 – 1690', *SHR*, (1966).

⁵⁰¹ NAS PA 7/25/4/8/1.

⁵⁰² *Leven and Melville Papers*, 388.

is no such warrant for a current Parliament...'⁵⁰³ If this had come to pass, Dalrymple had a contingency plan, touting Sir John Lauder of Fountainhall, 2nd Bt., as a prospective candidate for Haddington. Lauder was nominated because of the '...want of thes [who] could balance the long speeches of the Club...'⁵⁰⁴ Neither election came to pass, but it is of some significance that an organisation – much more specific than the broad Jacobite and Revolutioner interests identified above – was actively promoting a candidate in the localities. The fact that there were only two additional vacancies – Selkirk and Stirling – explains why this practice does not have a broader geographical spread – although both elections were contested, not necessarily by Club candidates. Considering the few available seats there was little opportunity for contest. Nonetheless, this interpretation – indicative of an organised party system – is at odds with the traditional view of seventeenth century Scottish politics.

In the adjacent shires of Lanark and Renfrew the elected commissioners conform to the stereotype formerly established. In Lanark, William Baillie of Lamington and Sir Daniel Carmichael of Mauldslee, Kt. – uncle of the Presbyterian John, second lord Carmichael – were elected on 11 March. The sheriff clerk – John Robertson – and sixteen barons and freeholders – the majority of whom shared the surname Hamilton – subscribed the commission.⁵⁰⁵ Both commissioners endorsed the act declaring the Convention a lawfull meeting and the letter of congratulation addressed to the Prince of Orange. The representatives of Renfrewshire display similar characteristics. Although William Cunningham of Craigends has no obvious Covenanting pedigree, his fellow commissioner Sir John Maxwell of Pollok, 1st Bt. was a classic Revolutioner.

⁵⁰³ Ibid. It is uncertain how Skelmorlie proposed to force an election in Ayrshire, or whether he intended to force another general election. The fact that Dalrymple proposed a commissioner for Haddington – a seat that was not vacant – perhaps suggests that latter option was seriously considered.

⁵⁰⁴ Ibid.

⁵⁰⁵ NAS PA 7/25/21/12.

His father, Sir George, was a zealous Covenanter, imprisoned for approximately five years for opposing the Restoration government's Episcopal policies.⁵⁰⁶ Sir John, obviously influenced by his father's politics took a bride with similar credentials, Marion, the half-sister of Sir Thomas Stewart of Coltness, 1st Bt. – a former Presbyterian dissident and commissioner for North Berwick. Like his father, Maxwell was imprisoned in 1683 for refusing to take the Test.⁵⁰⁷ This clearly contributed to his success at the Revolution. Despite the comments of a contemporary who described him as '...a very honest gentleman, of no extraordinary reach, zealous for the Divine Right of Presbytery, which hurries him often to do hard things to men of less confirmed principles, thinking it doing God good service...', Sir John was appointed a senator of the college of justice and lord justice clerk in 1696.⁵⁰⁸ His fortunes had gone full circle, providing a representative example of the fate of many Covenanting families who had been active in the 1640s. In addition, with the exception of the aged Carmichael who had last served Parliament in 1649 – 1650, none of the Lanark or Renfrew commissioners had parliamentary experience, and were in this respect very much new men.

In Argyll – the final port of call in the west – the shire election provides further evidence of how both national and local factors conditioned regional politics. Considering the traditional predominance of the Clan Campbell, identifying variations in the electorate is a far simpler task. In December 1681, Archibald Campbell, ninth earl of Argyll – the son of the Covenanting marquis – had been sentenced to death on a dubious charge of treason, and consequently forced to flee to Holland. This had implications for the balance of power in the shire, evident in parliamentary representation. On

⁵⁰⁶ Young, *Commissioners*, II, 481.

⁵⁰⁷ *Ibid.*, 482.

⁵⁰⁸ *Ibid.*

25 March 1685, Archibald Lamont of Inveryne and Lauchlan McLean of Brolas were chosen as representatives for the forthcoming Parliament. The commission was endorsed with ten signatures – seven McLeans, one McNaughton, and only two Campbells.⁵⁰⁹ On this occasion, both the electorate and successful commissioners were representative of Clans forced to the periphery by Campbell expansionism – particularly the Royalist McLeans, with whom Argyll had been waging a private war for the acquisition of Mull, Morven and Tiree. Consequently, this was the only instance in the seventeenth century when the shire was not represented by at least one Campbell laird. In comparison, the allegiance of those assembled at Inveraray on 8 March 1689 was noticeably different. Sir Duncan Campbell of Auchinbreck, 4th Bt. – a veteran of the 1685 rising – and John Campbell, Captain of Carrick, were elected. The respective commission was endorsed with fifteen signatures.⁵¹⁰ In this instance, the majority of participants were firmly representative of the Campbell interest – twelve of the subscribers members of the Campbell elite. The Revolution, and the restoration of Archibald Campbell, tenth earl of Argyll, had the immediate affect of restoring Campbell authority in the region.

On the whole, the allegiance of the western commissioners is consistent with their eastern counterparts. These patterns were determined by traditional support for the National Covenant, Protestant radicalism and, as in central Scotland, prominent local landed families. In the west men like William Douglas, third duke of Hamilton; Argyll; John Cunningham, tenth earl of Glencairn; Carmichael, and families outwith the parliamentary peerage such as the Maxwells of Pollok, all represented the Revolution interest, exercising considerable influence. This undoubtedly affected corre-

⁵⁰⁹ NAS PA 7/25/3/7.

⁵¹⁰ NAS PA 7/25/3/8.

sponding local representation. Only in Bute is there any evidence of conservative activity, Sir James Stewart of Ardmaleish and Kirkcubright, 3rd Bt., withdrawing from the Convention. The son-in-law of Sir George Mackenzie of Rosehaugh, Stewart was named sheriff of Argyll in place of the forfeited earl in 1686.⁵¹¹ Apparently he chose to remain loyal to his benefactor rather than accept the Revolution. However, as was the case elsewhere, his protest was futile and effectively negligible – his absence having the benefit of conveniently removing him from the political arena.

Finally, in the northern shires there is little evidence of conservatism. In Kincardineshire the local Presbyterian peer Robert, third viscount Arbuthnott – son-in-law of the émigré George, fourteenth earl of Sutherland – indisputably influenced the election. On 5 March, the barons and freeholders returned his brother-in-law – Sir Thomas Burnet of Leys, 3rd Bt. – and his uncle – Alexander Arbuthnott of Knox. The commission was subscribed by Andrew Strachan – the sheriff clerk – and fifteen members of the meeting.⁵¹² In neighbouring Aberdeenshire electoral procedure was similar. The election was held on 28 February, with Sir Charles Maitland of Pitrichie, 3rd Bt. – father-in-law of Alexander Arbuthnott, younger brother of the Presbyterian viscount – serving as president. Maitland, with thirty additional votes proceeded to elect Sir John Forbes of Craigievar, 2nd Bt. and James Moir of Stoneywood.⁵¹³ The obvious feature of this election is the absence of Gordons among the subscribers. Considering the level of contest prevalent throughout the kingdom, it is reasonable to assume that they were debarred, voted for alternative candidates, or with George, first duke of Gordon holding Edinburgh Castle for James VII, chose not to participate. In this respect, it

⁵¹¹ Sir Robert Stewart of Tillicoultry, 1st Bt., uncle of Sir James Stewart of Ardmaleish and Kirkcubright, 3rd Bt., commissioner for Rothesay in 1689, was also expelled for non-attendance.

⁵¹² NAS PA 7/25/18/9; *The Family of Burnett of Leys*, Col. J. Allardyce (ed.), (New Spalding Club, 1901), 78-80.

⁵¹³ NAS PA 7/25/2/11.

seems the shire was secured with little difficulty – although as mentioned on several occasions, the fact that there is no record of contest does not necessarily indicate that no contest occurred, especially as the burgh seat was controverted. This probably has some bearing on a contemporary bond of defence dated 15 January 1690, in favour of James VII, signed by the viscount Fendraught and a number of lesser Gordons.⁵¹⁴ However, this aside, Forbes was characteristic of many Revolutioner politicians. His father, Sir William, had represented the shire in the Covenanting Parliaments of the 1640s, and raised and commanded a troop of government horse routed at Aberdeen in 1644.⁵¹⁵ Moir also supported the Revolution, but his subsequent career illustrates the fickle nature of contemporary politics.⁵¹⁶ An opponent of the Union, both Moir and his eldest son were active in the 1715 Jacobite Rising, most likely motivated by nationalist or economic factors as traditional dynastic influences.

The trend evident in Kincardine and Aberdeen is also apparent in Elgin and Forres-shire, where, on 2 March, James Brodie of that ilk and Thomas Dunbar of Grange were elected.⁵¹⁷ Like Craigievar, Brodie had a relevant pedigree. His father, Sir Alexander, was an ardent Covenanter whose estates were devastated by Montrose's forces in 1645. Brodie had himself been fined as recently as 1685 for his wife's alleged religious irregularities.⁵¹⁸ Likewise, Dunbar had been accused of disaffection to the government in 1685, although he gave evidence before the Privy Council to prove that he had never attended conventicles nor entertained vagrant preachers.⁵¹⁹ Nevertheless, there is seldom smoke without fire. It is possible to extend this analysis to Nairn, with

⁵¹⁴ NAS GD 26/7/209.

⁵¹⁵ Young, *Commissioners*, I, 245-246.

⁵¹⁶ *Ibid.*, Vol. II, 500.

⁵¹⁷ NAS PA 7/25/23/9.

⁵¹⁸ Young, *Commissioners*, I, 68-69.

⁵¹⁹ *Ibid.*, 210-211.

a similar result. The election, held in the tollbooth on 5 March, was consistent with those formerly discussed. The electorate preferred David Brodie of Lethen and Sir Hugh Campbell of Cawdor, Kt, their commission subscribed by James Rose – the sheriff clerk – and six others.⁵²⁰ Cawdor, as hereditary sheriff of Nairn, an experienced parliamentarian and firm Presbyterian, was an obvious choice for the Convention. Even so, his attendance was sporadic culminating in a fine for absence in April 1693, at which point his seat was declared vacant. Comparable to cases in the border shires, in this instance there was a less ideological explanation. Cawdor challenged the decision, and was consequently excused payment of his fine on 23 May, after producing a certificate of his indisposition. The vacant seat was assumed by his eldest son Alexander, elected in his place on 23 May 1693.⁵²¹ Brodie also possessed the requisite credentials. Montrose had besieged the family home of Lethen in 1645, and more recently, in 1685, he had been imprisoned in Blackness Castle for attending conventicles.⁵²² However, his health failed, and on the day following his nomination he became ‘...indisposed in body by reason of a distemper...’, and so ill that he was unable ‘...to travel on his own horse...’⁵²³ On 23 March 1689, his place was filled by an equally qualified candidate – John Hay of Lochloy.⁵²⁴ In 1666, Hay had been imprisoned for five months in the tollbooth of Edinburgh, and in 1683 – 1684, for a further thirteen months in Blackness Castle, for alleged complicity in the Rye House Plot, a charge which was never proven.⁵²⁵ The choice of commissioner was not surprising, considering his commission was subscribed by four of the six electors who had participated in Brodie’s election.

⁵²⁰ NAS PA 7/25/24/8.

⁵²¹ NAS PA 7/25/24/11.

⁵²² Young, *Commissioners*, I, 69-70.

⁵²³ NAS PA 7/25/24/9/2.

⁵²⁴ NAS PA 7/25/24/9/1.

⁵²⁵ Young, *Commissioners*, I, 334.

Likewise, in Inverness-shire there is clear consistency, with both seats secured by the Revolutioner interest. On 4 March, Duncan Forbes of Culloden and Ludovic Grant of that ilk were returned as shire representatives – the commission endorsed with the signatures of the sheriff clerk, and seven others.⁵²⁶ Taking into account the size of the shire, turnout seems surprisingly low – although it may lend support to the notion that only those deemed suitable participated in a number of elections? Nonetheless, of less doubt is the political adherence of those elected. Grant – the most important man on Speyside – had served as a major in Claverhouse’s Regiment, and in 1679 and 1685, had mobilised his Clan for the service of Charles II and James VII. Despite this example of his loyalty, Grant was heavily fined for his wife – Janet Brodie, sister of David Brodie of Lethen – and father-in-law’s religious nonconformity, and dismissed from the Privy Council on account of his opposition to James VII’s Catholicising policies.⁵²⁷ Bearing this in mind, it is not surprising that the Laird of Grant chose to support the Prince of Orange in 1689. He raised a regiment of approximately eight hundred men for the Prince’s service, and suffered considerable damages when Dundee’s highlanders ravaged his estates. In April 1689 he consolidated his regional influence, when, by order of Parliament, he was appointed sheriff of Inverness in place of the ‘...profest papist...’ Alexander, earl of Murray.⁵²⁸ Grant was without doubt one of the most important converts to King William’s cause, and, as stated by B. Lenman ‘...the cause of the Revolution in the Highlands owed an enormous debt to the name of Grant’.⁵²⁹ Correspondingly, ‘...it was scarcely less indebted to the name of

⁵²⁶ NAS PA 7/25/17/10.

⁵²⁷ Young, *Commissioners*, I, 297-298.

⁵²⁸ *APS*, IX, 62.

⁵²⁹ B. P. Lenman, ‘The Scottish Nobility and the Revolution of 1688 – 1690’, in R. Beddard (ed.), *The Revolutions of 1688*, (Oxford, 1991), 152.

Forbes...⁵³⁰ Duncan Forbes of Culloden was equally distinguished by his active support of the Revolution. For this reason his estates were devastated by the Jacobite army, the Laird of Forbes sustaining losses valued in excess of fifty thousand pounds Scots. Active participation in national politics was not necessarily a profitable enterprise.

Comparable with events in Kincardineshire, in Sutherland there is no reason to doubt the predominant influence of the local noble interest – George, fourteenth earl of Sutherland, an émigré Presbyterian who had returned to Scotland with the Prince of Orange's expedition in 1688. The election held on 5 March was attended by at least twelve individuals – the number who endorsed the commission of Adam Gordon of Dalfolly and John Gordon of Embo.⁵³¹ Neither had taken any obvious part in the various risings against Stewart government, although there seems no reason to suggest that they represented anything other than the Presbyterian interest of their chief.⁵³² In this respect Sutherland was consistent with the other Highland shires previously discussed.

Only in Banffshire does a northern Jacobite candidate appear to have enjoyed limited success. Both commissioners from the shire withdrew from the Convention of Estates, although Alexander Duff of Braco had returned to Parliament by the beginning of the first Session in June 1689.⁵³³ The fact that his house was plundered by the victorious Jacobites after the battle of Killiecrankie indicates that he was not considered one of

⁵³⁰ Ibid.

⁵³¹ NA.S PA 7/25/33/6.

⁵³² John Gordon of Embo only attended one of a possible ten sessions of Parliament from 1689 – 1698. He was excused on 3 July 1689 '...being in his majesties service in the country...' However, he retained his seat, no new election called until his death some time in May 1700.

⁵³³ Proceedings, I, 17.

their number.⁵³⁴ On the other hand, Sir Patrick Ogilvie of Boyne, Kt. was fined for absence in July 1689 and again in 1693, when his seat was ultimately declared vacant. However, he was one of the few Jacobites remaining in the house to vote against the proposal that James VII had forfeit the crown in April.⁵³⁵ Despite the Covenanting principles of his father, Ogilvie consistently adhered to the Stewart cause, working to restore the Stewart succession on the death of Queen Anne.⁵³⁶ However, in light of the fact that the Revolutioner interest dominated the northern shires, his election was practically insignificant.⁵³⁷

In conclusion, it is possible to distinguish several significant trends prevalent in the Highlands. In all seven examples turnout is low in comparison to the number of lesser noble families then extant in Scotland. However, this is not restricted to the north, and evident throughout the kingdom. It is difficult to provide an approximation of the total electorate or the percentage involved in the 1689 general election, although R. Sunter's estimate of the eighteenth century shire electorate, numbering forty to sixty and rarely exceeding one hundred and fifty in each shire, seems a reasonably accurate supposition.⁵³⁸ The most feasible explanation for this is increased electoral contest comparable to that identified in Edinburgh, Haddington, Berwick and Galloway – in

⁵³⁴ Young, *Commissioners*, I, 207.

⁵³⁵ Balcarres, 35.

⁵³⁶ *Ibid.*, Vol. II, 547-548.

⁵³⁷ B. P. Lenman, 'The Scottish Nobility and the Revolution of 1688 – 1690', in R. Beddard (ed.), *The Revolutions of 1688*, (Oxford, 1991), 154-156. Lenman highlights the role of Sir George Gordon of Edinglassie, Kt. in Banffshire, who '...proved to be one of the most dedicated supporters of the Revolution in Scotland'. In Lenman's opinion the '...North-East was merely an extreme example of a common fact of Scottish life at the time of the Revolution: Jacobitism had more bark than bite'.

⁵³⁸ R. M. Sunter, *Patronage and Politics in Scotland, 1707 – 1832*, (Edinburgh, 1986), 2; Plumb, *Political Stability*, 27-29. In comparison, Plumb conservatively estimates the total English electorate – both boroughs and counties – at around 200,000 – one-thirtieth of the entire population. Throughout the later sixteenth, early seventeenth centuries, inflation '...had reduced almost to triviality, the property qualification – a 40 s. freehold – of voters in the county electorates, which brought the Parliamentary franchise not to hundreds but to thousands of small farmers, shopkeepers, craftsmen, and owners of modest freeholdings'. Any comparable increase in Scotland was modest, no Scottish shire in the same league as the counties of Norfolk and Essex for example, polling nearly four thousand voters at the beginning of William III's reign.

addition to the greater part of the burghs. Considering shire elections were traditionally disputed on a regular basis, it is unrealistic to assume that a divisive issue of national importance such as the Revolution would see a decline in the level of local political contest. This apart, it can be stated that the bulk of those elected in the northern shires had a shared experience of Stewart rule. In general, there was a larger percentage of shire commissioners with previous parliamentary experience, but these statistics have little bearing on political allegiance. This is particularly true of northern Scotland, where, of the fourteen commissioners reviewed, only six were experienced parliamentarians, two of these having been recently employed in the 1685 – 86 Parliament of King James. The Revolution provided an opportunity for old scores to be settled, and for those forced to the fringes of Scots elite society to re-emerge in central government. In this respect, local factors were of some importance – specifically in Kincardineshire, Inverness-shire, and Sutherland – with the predominant regional influence shaping the outcome of local politics. On occasion this evidence can perhaps be described as circumstantial. Family ties are not necessarily indicative of a close relationship. However it would seem rather naïve to attribute these examples to coincidence. Whether this factor was of more significance in a society traditionally seen as more patriarchal than its Lowland equivalent remains open to debate, but it is impossible to underestimate its effect.

Nonetheless, as in the previous chapter the above analysis is largely concerned with the Convention of Estates. Product of the only general election of the reign, this had a noticeable affect on the future composition of Parliament. Of the fifty-six shire commissioners who attended the Convention, nineteen, or thirty-four percent served continuously between 1689 – 1702 – a figure consistent with that apparent in the burgh

estate. Even so, in the first six sessions of Parliament there were forty-five by-elections throughout the kingdom – sixty new shire commissioners elected in the period 1689 – 1696. The following table contains statistics concerning the issue of electoral warrants.

Figure 1 – *Reasons For Scottish Shire By-Elections 1689 – 1696*

	<i>First Session</i>	<i>Second Session</i>	<i>Third Session</i>	<i>Fourth Session</i>	<i>Fifth Session</i>	<i>Sixth Session</i>
<i>Death</i>	-	3	-	6	3	1
<i>Expulsion</i>	-	-	-	10	-	1
<i>Ennoblement</i>	-	-	-	1	-	1
<i>Office</i>	-	-	-	1	-	-
<i>Add. Comm.</i>	-	-	12	3	-	-
<i>Other</i>	1 ⁵³⁹	-	-	2 ⁵⁴⁰	-	-
<i>Total</i>	1	3	12	23	3	3

In this instance, the decision to increase shire representation on 14 June 1690, affected the resultant data with fifteen by-elections and the consequent election of twenty-six

⁵³⁹ NAS PA7/25/29/8. Sir John Munro of Foulis, 4th Bt., and Sir George Munro of Culcairn and Newmore, Kt., were re-elected on 7 June 1689, their former commission proving insufficient.

⁵⁴⁰ On 17 April 1693, Caithness elected Alexander Manson of Brigend. Likewise, Cromarty returned Sir Kenneth Mackenzie of Cromarty, 1st Bt., and John Urquhart of Craighouse. Neither shire was represented in the Convention or the first three sessions of Parliament. In 1689, Caithness elected James Sinclair of Freswick, but he never took his seat.

additional commissioners – shire representation enlarged by around fifty percent.⁵⁴¹ This notwithstanding, the next largest grouping was death, consistent with figures documented in the burghs – thirteen members of Parliament dying during the period. In descending order, expulsion accounted for eleven commissioners – just one more than in the burghs in a comparable period. However, on this occasion Jacobitism is the most probable explanation for the absence of nine commissioners.⁵⁴² Invariably, their replacements were representative of the Revolutioner interest – men like James Pringle of Torwoodlee, son of the Presbyterian émigré, returned by Selkirkshire in May 1693.⁵⁴³ Two commissioners were elevated to the status of titled noblemen. In 1690, Sir Patrick Home of Polwarth, 2nd Bt. was created Lord Polwarth, his Berwickshire seat secured by his son-in-law, George Baillie of Jerviswood – another former exile. Likewise, Sir John Maitland of Ravelrig, 1st Bt., succeeded his brother as fifth earl of Lauderdale in 1695, the vacant Edinburgh place obtained by Archibald Primrose of Dalmeny – himself created viscount of Rosebery on 1 April 1700.⁵⁴⁴ In addition, Adam Cockburn of Ormiston was created lord justice clerk on 28 November 1692, Haddington returning William Hepburn of Beinstoun – another of those involved in the shire's congratulatory address to the Prince of Orange.⁵⁴⁵ Like comparable burgh politics in this interim period, shire by-elections are characterised by obvious consolidation.

⁵⁴¹ The shires affected were Aberdeen, Argyll, Ayr, Berwick, Dumfries, Edinburgh, Fife, Forfar, Haddington, Kirkcudbright, Lanark, Perth, Renfrew, Roxburgh and Stirling. Each shire received two new seats with the exception of Argyll, Kirkcudbright, Renfrew and Stirling, which obtained one each. From a geographical perspective, the majority of new places were predominantly below the Highland Line. For further information see chapter 1.

⁵⁴² Sir James Montgomerie of Skelmorlie, 4th Bt., Ayr; Sir Patrick Ogilvie of Boyne, Kt., Banff; Sir James Stewart of Ardmaleish and Kirkcounie, 1st Bt., Bute; Sir James Foulis of Colinton, 3rd Bt., Edinburgh; Sir George Mackenzie of Rosehaugh and Newtyle, Kt., Forfar; Sir David Murray of Stanhope, 2nd Bt.; John Haldane of Gleneagles and Sir James Ramsay of Banff, 2nd Bt., Perth; and Sir William Elliott of Stobs, 2nd Bt., Roxburgh.

⁵⁴³ There is no geographical pattern concerning the shires affected by expulsion. In 1693, commissioners from Ayr, Banff, Bute, Edinburgh, Forfar, Nairn, Peebles, Perth, Roxburgh, and Selkirk were excluded on account of absence and failure to take the oaths.

⁵⁴⁴ Young, *Commissioners*, II, 572; NAS PA 7/25/13/14.

⁵⁴⁵ NLS 7011/99.

Nonetheless, there is more evidence of actual contest. In contrast to the single burgh election controverted in the interval from 1689 – 1696, five shire elections are known to have been disputed – four settled in Parliament. Three elections – Ayr, Selkirk and Stirling – were contested in April 1690. The first has received detailed coverage above, the contest between Sir James Dalrymple of Stair, 1st Bt. and William Muir of Rowallan, providing evidence of Club electoral activity. On the 6 May, Parliament resolved that ‘...in regard that Sir James Dalrimple of Stair who is one of the Commissioners chosen for the shyre of Aire in place of the deceast Laird of Blair was promoted to be ane Viscount, And that the Commission granted to the Laird of Rowalland for the said shyre was not signed be the Clerke and had therein other informalities, Their Majesties Commissioner and Estates of Parliament did grant ane order for a new Electione...’⁵⁴⁶ Likewise, the Selkirk election – called to fill the vacancy resulting from George Pringle of Torwoodlee’s death – fought by Sir Francis Scott of Thirlestane, 1st Bt. and Sir James Murray of Philiphaugh, Kt., was also declared void.⁵⁴⁷ In comparison, the Stirling election, carried by James Graham of Buchlyvie, was disputed on account of procedural irregularities. The electorate were convened by order of Alexander Livingstone, third earl of Callendar, ‘...Shirreff principall of the said shirrefdome...’ on 23 April. He informed his deputy – Patrick Graham – to ‘...wreat some particular letters to some who may be Ignorant of the dyett, Telling them it was not my forgetfullness of them but want of tyme hendered me from wreating to them with my oun hand my service to all friends in generall, I have not tyme just now for privat business of my oun...’⁵⁴⁸ However, Murray of Polmais pro-

⁵⁴⁶ *APS*, IX, 112.

⁵⁴⁷ *Ibid.*, Sir Francis Scott of Thirlestane, 1st Bt., had also contested the shire seat in 1689. He ultimately secured election, taking his seat in the fourth session of Parliament.

⁵⁴⁸ NAS PA 7/25/32/13.

tested on account that there could be no new election as there was no current warrant produced by Parliament, ‘...whairunto the lairds of Alva, Glentirran and [Erskine of] Balgounie adheared...’ Similarly, Sir James Erskine of Alva, Bandeath and Cambuskenneth, 2nd Bt. – son of the deceased commissioner, Sir Charles – and the Laird of Glentirran ‘...protested that ther was noe intimationes made at the paroch churches of Alva and Kippen...’ Following this exchange, Polmais, Alva, Glentirran and Balgounie deserted the meeting.⁵⁴⁹ In response, James Seton of Touch observed that the sheriff’s warrant was sufficient

for conveyeing of the freeholders at this tyme...and that it has been the practise of this shire formerly upon the death of ane of the Commissioners ffor the shireff principall to convene the freeholders by his letter ffor ellecting one to supplie his roum in the currant parliament, And as to the intimatione at the paroch churches their was first intimatione made at the mercat cross and publict intimatione sent through the shyre to be intimat at the several churches whair they were sure of sermon, And more particularly the shirreff deput sent ane particular letter to every barone and freeholder...Especially to thir persones who protested, Except Alva who was present at Edinburgh the tyme therof, And sure he gotte notice of the electione as he acknowledged and accordingly attended the dyett...⁵⁵⁰

The remaining fifteen members of the sederunt adhered to Touch’s declaration. With Stirling of Garden presiding, the electorate, ‘...having the experience of the loyaltie

⁵⁴⁹ Ibid. Before the election the Laird of Herbertshire and Alexander Napier of Culcreuch – a future commissioner of the shire – appeared, adhering to Polmais’s protest ‘...notwithstanding wherof they acknowledged they gott timeous intimatione by particular letters from the shirreff deputt...’ Both apparently withdrew.

⁵⁵⁰ Ibid.

qualificationes and abilitie of James Grahame of Bochlyvie...’, proceeded to name him as their commissioner.⁵⁵¹ Nevertheless, when the case came before Parliament on 14 May, it was reported that Buchlyvie acknowledged ‘...that previous intimatione was not made at some parish kirkes of the meeting of the freeholders...and [has] past from the said Commissione...’⁵⁵² In addition, the fact that Graham was rumoured to have fought at Killiecrankie with Claverhouse probably had some bearing on the outcome of this deliberation.⁵⁵³ In any case, a new electoral warrant was issued, the shire returning Sir Alexander Munro of Bearcrofts, Kt. – formerly implicated in the Rye House Plot – on 4 June 1690.⁵⁵⁴ There is no evidence of Club participation in either latter contest, both conditioned by essentially local factors.

Much the same can be said of the two remaining documented examples. For instance, on 26 August 1696, it was reported that Sir William Stewart of Castlemilk, 2nd Bt., ‘...who was recommended by my Lady Duches, is chosen commissioner of parliament [for Lanarkshire] in place of the Laird of Lie deceased, Sir William Lockhart of Cairstaires compaited with him bot lost out by two voites...’⁵⁵⁵ The fact that the election was not controverted, but illustrative of competition outwith Parliament is of some significance – suggesting electoral contest was more common than the record implies. Likewise, the role of the Duchess of Hamilton – the predominant landed interest in Lanark – underlines the importance of a powerful local patron. In comparison, the final case is similar to the former Stirling election. On 1 October 1696, Parliament rejected the commission of Sir Robert Gordon of Gordonstoun, 3rd Bt. – prospective commissioner for Elgin and Forres – considering ‘...that there is a nullity in

⁵⁵¹ Ibid.

⁵⁵² APS, IX, 116.

⁵⁵³ Young, *Commissioners*, I, 290-291. The rumour was undoubtedly false.

⁵⁵⁴ NAS PA 7/25/32/14.

⁵⁵⁵ NAS GD 406/1/6831; PA 7/25/21/15.

the commission it being subscribed at four severall places and near twelve months after the pretended election, and...are of opinion that another objection against the same is relevant...that two of the subscribers were absent from the Election...'⁵⁵⁶ In context, only five of forty-five by-elections in the period 1689 – 1696 are known to have been contested. Even so, competition in Selkirk, Ayr and particularly Lanark, suggest that this was a far more common phenomenon than formerly anticipated, supporting the feasibility of the proposal that the greater part of shires were disputed at the Revolution.

In conclusion, what can be ascertained from the course of shire electoral politics in the period 1689 – 1697? In this instance, there was neither revised procedure nor the associated increase in the size of the electorate. If anything the amount of those actively participating in shire politics seems low? Nevertheless, the fact that no relevant electoral roll stipulated by the act of 1681 appears to survive, makes any comment on the total size of the electorate very much an estimate. By law, a commission was considered sufficient and legal when it was endorsed by ‘...ane greit number of the barrons than present to gidder with the clark of the said conuention his subscription...’⁵⁵⁷ This implies that those subscribing a commission were the best part of the election meeting. However, the basic fact that the documents examined do not indicate whether elections were carried unanimously or by the majority, coupled with the circumvention of legal practice when convenient, makes this proposal difficult to establish. Nonetheless, utilising Sunter’s former calculation, 2,000 to 5,000, seems a fair ap-

⁵⁵⁶ APS, X, 75; Young, *Commissioners*, I, 284-285. Gordonstoun’s grandfather – Sir Robert, 1st Bt. – had at first supported the King during the Civil War, but ultimately joined the Covenanters, being described as ‘...a main advancer of the true religion...’ Sir Robert had been a gentleman of James VII’s household, but it is uncertain whether this influenced his allegiance or the outcome his election.

⁵⁵⁷ APS, VIII, 353.

proximation of the total shire electorate.⁵⁵⁸ On this occasion, the obvious shortfall was most probably the result of electoral contest. In addition to the limited evidence apparent in the parliamentary record – registering actual dispute in Berwick – competition occurred in Edinburgh, Haddington, Selkirk and Galloway. Considering comparable developments in the burghs, it seems improbable that contest was restricted to these five localities. It is reasonable to suggest that in several shires the opposition were discouraged or forcibly debarred, supported alternative candidates, did not pursue their claim, or simply chose not to participate in local politics. Bearing in mind the participation of Jacobite candidates in several shires, there is close resemblance with the burghs, consistent with the general two party struggle identified in the former chapter.

However, it is apparent that Revolutioner candidates – several from families steeped in Covenanting tradition – successfully secured the majority of shire seats – opposition candidates gaining a temporary hold in southern and central Scotland. Some of these men had an obvious Royalist pedigree, but the behaviour of others is difficult to explain. Evidence of repeated absence is a good indication of political allegiance or religious preference, although as formerly, withdrawal was also determined by straightforward local or economic factors. The level of absence is comparable in both elected estates, though in the shires it appears motivation was predominantly ideological.

In addition, a feature prevalent in both burghs and shires was the influence of the landed elite in determining the outcome of local elections. It has been supposed that

⁵⁵⁸ R. M. Sunter, *Patronage and Politics in Scotland, 1707 – 1832*, (Edinburgh, 1986), 2.

the elite's main contribution to the success of the Scottish Revolution was to do nothing, effectively paralysing the machinery of Stewart government.⁵⁵⁹ However, with regards parliamentary representation, it is impossible to ignore their involvement. In some areas – like Kincardineshire – this is readily apparent, with the election of a commissioner representative of a noble family. Nevertheless, though practically impossible to ascertain, is it possible that traditional ties of kinship and friendship affected the structure of local society in the localities? In the cut and thrust of seventeenth-century regional power politics did a combatant construct an interest based on kin and former adherents?⁵⁶⁰ There is a tendency among historians to presume that the seventeenth century was characterised by the decline of these traditional associations, concurrent with the development of an increasingly modern society. However, the Revolution was an unprecedented event, in which kin played a significant part. This does not imply that these traditional relationships were as formal, rigid or binding as they were a century earlier – especially taking into account the government's increased dependence on court patronage as a source of management, proving a powerful incentive to test the resolution of most. On the contrary, this is more in keeping with W. Ferguson's view of seventeenth-century Europe, which he describes as a '...twilight zone between the medieval and the modern'.⁵⁶¹ This fairly describes Scotland's Revolution experience, with traditional social hierarchy intact and traditional ideals adapting to, rather than conflicting with, any concept of the emerging modern state. By and large, the bloodfeud of the sixteenth century had been replaced by the local election of the later seventeenth – the tollbooth and sheriff court the new stage

⁵⁵⁹ B. P. Lenman, 'The Scottish Nobility and the Revolution of 1688 – 1690', in R. Beddard (ed.), *The Revolutions of 1688*, (Oxford, 1991), 136-162.

⁵⁶⁰ Any attempt to test the enduring affect of traditional bonds on late seventeenth-century society is fraught with problems, not least the limited sixteenth-century source material.

⁵⁶¹ W. Ferguson, *The Identity of the Scottish Nation, An Historic Quest*, (Edinburgh, 1998), 144.

for local rivalry, ambition and interest. Each completely different, they were resolved using the same basic principles.⁵⁶²

⁵⁶² Plumb, Political Stability, 70-71. Plumb highlights a comparable development in England, where the politics of several shires were shaped by the traditional rivalries of the regional elite.

CHAPTER 5

The Origins of Opposition – Court and Country 1698 – 1700

The Evolution of Party Politics in Scotland – Part I

The final four years of King William's reign witnessed a prolonged political contest between court and country. However, this has been subject to the negative analysis that has harmed the reputation of Parliament north of the border, being considered as little more than a faction led power struggle determined by self-interest.⁵⁶³ Nonetheless, in light of recent revision, is it possible to provide an alternative analysis of the period? Temporarily departing from national politics and Parliament, what was happening in the localities? What were the practical aspects involved in building and maintaining an interest in the Convention Parliament? How did this condition contemporary politics? Through comprehensive analysis concentrating on the interim periods between sessions of Parliament, is there evidence of cohesive preparation on the part of either political grouping? In conclusion, can it be argued that the period 1698 – 1702 saw the continued development of a party political system in Scotland, comparable to that apparent in England?

The country party had its origins in the irreconcilable differences that ultimately split the court interest in March 1698. That interest, established in 1696, had proven an ambitious attempt to incorporate representatives of almost all Scotland's prominent noble families. However, a combination of enmity and ambition proved fatal. By the autumn of the following year this rather uncomfortable coalition was irreparably breached, the ministry polarised by two emergent rival factions. The result was a pe-

⁵⁶³ Riley, King William.

riod characterised by political manoeuvring on a considerable scale that began with the appointment of the president of session. The chancellor, Patrick Home, first earl of Marchmont, favoured the appointment of Sir William Hamilton of Whitelaw. In December 1697, he had written to the King that ‘...it would greatly conduce to your service and strengthen the hands of your faithfulest subjects and those who love and will serve you best, especially by preparing for a parliament and in it, if your Majesty would be pleased to declare Sir William Hamilton to be your president, which has been a thing reckoned upon and expected here ever since the last parliament...’⁵⁶⁴ Similarly, Whitelaw had the full support of the secretary, John Murray, first earl of Tullibardine, who had formerly procured a commission as president on his behalf. Like the chancellor, he offered to ‘...omitt nothing to have Whitelaw president...’, maintaining he ‘...would willingly quitt [his] own place to have him in that, since [he was] convinced it’s so much for the King’s honour and interest of the country’.⁵⁶⁵ This sentiment was echoed by John Hamilton, first earl of Ruglen, who urged his brother, James, the future fourth duke of Hamilton, ‘...to doe something effectually for Whitelaw...’ as ‘...it may be long ere such an occasion offer again of having a Hamilton president...’⁵⁶⁶ Nonetheless, the elevation of someone closely associated with Tullibardine and Hamilton, could prove prejudicial to the designs of James Douglas, second duke of Queensberry and Archibald Campbell, tenth earl of Argyll, whose preferred candidate was Sir Hugh Dalrymple of North Berwick, younger brother of John, second viscount of Stair. Throughout the summer both parties vied for the advantage. Lord Basil Hamilton recorded in a letter to Hamilton, that ‘...in short there never was such cabaling and making of parties...all our great folks laying their neu projects, and

⁵⁶⁴ NAS GD 158/964, fol. 295-7.

⁵⁶⁵ Fraser, *Annandale*, 143-144.

⁵⁶⁶ NAS GD 406/1/6329.

none of the least to exclude you and prejudice our family...'⁵⁶⁷ By August there had been little alteration, the same correspondent identifying Queensberry, Argyll and George Mackenzie, first viscount of Tarbat as their principal opponents, warning that they '...would gladely inhance the whole government of this kingdome into their own hands, to exclude you and our friends, from any share in it, and to render all as uneasy to my Lord Tullibardine as they can...'⁵⁶⁸ He predicted that if successful in their endeavour, Tarbat would become chancellor, and Argyll commissioner to the next Parliament, '...wherein they'll engage to procure a liferent cess, which is the great topick nou they think to make their court on, and to ingratiat themselves with the King...'⁵⁶⁹ Whether or not this was ever a realistic proposal, it certainly received the attention of contemporaries. In a letter to Marchmont, William Johnstone, second earl of Annandale, indicated that he had been informed that the chancellor had conceded that '...tho a liferent cess might sound harshe to the parliament...ane eight munths cesse for six or siven years duration might be gott...'⁵⁷⁰ Marchmont, allied with Tullibardine and Hamilton on the matter of the presidency, appears to have denied any knowledge of the proposal. Obviously this measure of financial security would have seemed attractive to the King, but could likewise have important implications for Parliament. In England the method of granting supply all but insured annual sessions of Parliament, and is often cited as an example of the emerging contractual or constitutional monarchy.⁵⁷¹ This was not lost on Lord Basil Hamilton, who advised that '...wee may see how wisely our neighbour nation have shunned liferent supplies, and value their Parliament as their chiefest security, but that wee shall be the staff to break

⁵⁶⁷ NAS GD 406/1/7729.

⁵⁶⁸ NAS GD 406/1/7774.

⁵⁶⁹ NAS GD 406/1/7774.

⁵⁷⁰ Fraser, *Annandale*, 160.

⁵⁷¹ See chapter seven.

our own heads is sadd...'⁵⁷² In the mean time, Tullibardine, frustrated by his lack of progress, criticised the lord advocate, Sir James Stewart of Goodtrees, and his conjunct secretary, Sir James Ogilvie, for their part in opposing Whitelaw's commission.⁵⁷³ Neither seemed inclined to deny the charge, Stewart willing to concede that while he had no ambition towards that office himself, he was inclined to favour Sir Hugh Dalrymple, as '...the session needed a balance; and that tho' the Lord Whitlaw were in the lowest seat of the bench, he was too strong...'⁵⁷⁴ Despite his disappointment, Tullibardine was still convinced that he would succeed, confidently asserting that '...if Whitlows bussines be not done, considering the interest he and his friends have, they will find it not easie to [do] what they please...', almost certainly a reference to the impending session of Parliament.⁵⁷⁵ Tullibardine was confident of carrying this meeting, a not altogether unrealistic prospect, considering a contemporary comment of Argyll, who lamented that '...any presbyterians of the church of Scotland can be prevailed upon (by a runegado church of England man, and a Presbyterian of but two years standing), to follow any measure so far contrary to their true interest...'⁵⁷⁶ In relation to Parliament similar sentiment was expressed by the former secretary of state, James Johnstone, who in a letter to Annandale, wrote '...the party here had promised every thing, supposing the king would be down. Nou, that being not probable, they are at a losse and full of fears, and Carstairs is sent down to feel pulses...'⁵⁷⁷ However, both Tullibardine's faith and Johnstone's bravado were misplaced, and approximately a month later Dalrymple's appointment as president of session was made public. The nomination came as something of a shock to Whitelaw's supporters, none

⁵⁷² NAS GD 406/1/7774

⁵⁷³ *Carstares SP*, 338-341.

⁵⁷⁴ *Ibid.*, 338-341.

⁵⁷⁵ Fraser, *Annandale*, 157.

⁵⁷⁶ *Carstares SP*, 371.

⁵⁷⁷ Fraser, *Annandale*, 158-159.

of whom claimed any prior knowledge of Dalrymple's commission. Marchmont received the news at court, having left for London before word of the appointment reached Edinburgh. His first thought was to placate Tullibardine and Whitelaw, the later of whom the King described favourably as '...a verie honest man...' acknowledging '...that [he] had done him verie considerable service ffor which he wold reward [him] kindly tho not in that way which [he] had aimed at...' ⁵⁷⁸ In order to lessen his disappointment Lord Whitelaw had been granted a pension of four hundred pounds sterling, but kept informed of affairs in Scotland, the chancellor was probably aware that he planned to return the gift. ⁵⁷⁹ If not, he obviously expected the worse, and on 31 March wrote to Annandale, urging him '...to use your utmost skill to hinder my Lord Whitelaw to doe anything rashlie or which is unecomeing...' ⁵⁸⁰ Nevertheless, two days before, Annandale had received a letter from Tullibardine, who in no uncertain terms, promised that '...all the world shall see I prefer my word to my interest...' ⁵⁸¹ Despite Marchmont's attempt to make both men reconsider, by the end of April the matter was resolved. Counsellor by Ruglen and Annandale, Tullibardine demitted his office of secretary of state and Whitelaw returned his pension to Sir James Ogilvie, the man who had successfully engineered the whole episode. ⁵⁸² Having fought the preliminary bout, Tullibardine and his erstwhile colleagues began to prepare for the forthcoming Parliament. There had been little real change in the composition of either party, but as a result of Dalrymple's preferment, Tullibardine committed himself to full opposition. Likewise, through his support for Whitelaw, the chancellor had painted himself into a corner. The political groups that dominated the final four years of the reign had been established.

⁵⁷⁸ NAS GD 158/964, fol. 349.

⁵⁷⁹ *Seafield*, 162-163

⁵⁸⁰ NAS GD 158/964, fol. 348-9.

⁵⁸¹ Fraser, *Annandale*, 163.

⁵⁸² *Seafield*, 227-228.

Following the appointment of the president of session, preparation began for the seventh session of Parliament. For the opposition the objective was simply to have Hamilton present, forming a coalition with his brother-in-law Tullibardine, which they hoped would be capable of counterbalancing the court interest. This was largely dependant on his succeeding to the title still held by his mother, who, by the end of June, had been persuaded ‘...to resigne the title of Hamilton, that so you may be in a capacity to represent the family, which I wish you may doe for the interest of king and countrey as your father and predicessors have done...’⁵⁸³ There is doubt whether the resignation would have been processed in sufficient time for Hamilton to take his place in Parliament, but further deliberation is redundant. It was becoming increasingly obvious that Hamilton had little inclination to return to Scotland for the specific purpose of Parliament. Instead, he spent the summer in England contracting his marriage to Elizabeth Gerard, which was finalised after protracted negotiation that had taken the best part of the last three years. His apparent apathy was criticised, particularly by his brother Lord Basil, who bemoaned ‘...how cheap you render yourselfe by your hanging on there where you are less significant in a year than you would be in your own countrey in a day...’⁵⁸⁴ The effect his hypothetical appearance may have had on Parliament at this point is difficult to estimate. However, the original design had recommended that Hamilton enter Parliament accompanied by Charles Hamilton, fifth earl of Abercorn, ‘...since he is protestant and owes so much to you he ought not to decline a greater journey...’, and two of his brothers, Charles Douglas, second earl of Selkirk, and George, first earl of Orkney.⁵⁸⁵ From a practical perspective, the ap-

⁵⁸³ NAS GD 406/1/9068.

⁵⁸⁴ NAS GD 406/1/9055.

⁵⁸⁵ NAS GD 406/1/9058.

pearance of an additional four noblemen would have had a marked, albeit marginal affect on the total composition of the house.

In addition to the previous recommendation, in the event of his appearance, Hamilton was advised to bring his youngest brother, Lord Archibald, ‘...whom its like will gett to represent a burrow...’⁵⁸⁶ Since the former session, six shire and nine burgh seats had been vacated, most on the death of the incumbent commissioner. However, little supplementary evidence concerning opposition participation in these localities has as yet been identified. In comparison, a similar facet of contemporary court procedure is of particular interest. On 18 February, approximately a month before he received actual confirmation that he was to serve as commissioner in the forthcoming session, Marchmont contacted Sir William Craigie of Gairsay, member of Parliament for Orkney and Shetland, desirous of a commission for the vacant burgh of Kirkwall. He wrote ‘...I doe expect that you will be cairfull to make your word good to me and send in a sure way the commission and ticket concerning Kirkwall, I would have them blank with a writ from the toun to whom they please for takeing the oath of their burges...if there be anything wherein I can serve you a good turn to which I am verie much disposed, yow may write to me by the post’.⁵⁸⁷ The burgh had been last represented in 1693, almost certainly for practical rather than any political reason, and although Marchmont makes no mention of the identity of a potential candidate, the seat was designed for his third son, Sir Alexander Home of Castlemains, who received the commission at the beginning of April.⁵⁸⁸ In itself this practice was not particularly unusual, but as part of a concerted policy is of far greater significance. From London, on 14 April, Marchmont noted that ‘I wrote to Mr. Alexander Home to speake to the

⁵⁸⁶ NAS GD 406/1/9058.

⁵⁸⁷ NAS GD 158/964, fol. 339.

⁵⁸⁸ NAS PA 7/25/77/5.

Earle of Seafort to procure a commission from the burgh of Dingwall to my son Andrew to be their commissioner in parliament and I inclosed a letter to my lord Seafort in it'.⁵⁸⁹ The Ross-shire burgh had been seldom represented, and considering his recent success in obtaining the Kirkwall commission, presented a reasonable opportunity for Marchmont to advance his fourth son, Sir Andrew Home of Kimmerghame. However, on this occasion the earl was disappointed, Dingwall preferring a local burghess, Mr. Robert Stewart, who was elected later that month.⁵⁹⁰ Undeterred, Marchmont targeted Forfar, whose seat had become vacant on the death of former commissioner, John Carnegie. On 10 May, he wrote to John Lyon, fourth earl of Strathmore, intimating that '...Sir Patrick Home the Kings solicitor who is now here and verie well lookit upon by his majestie is a person that would undoubtedlie be verie usefull in parliament, and seeing the commission for the burgh of fforfar is now vacant and your lordships entrest in the place able to procure it for Sir Patrick, I can assure your lordship that your affectuating of it will be verie well considered, and therefor I doe earnestlie recommend it to your lordship to get a commission and burghess ticket for him to represent that town in parliament and I will not fail to represent your lordships care of his majesties service with all the advantage to you that I can'.⁵⁹¹ Consistent with his previous effort, Marchmont was attempting to secure a place in Parliament for a representative of his immediate interest, in this instance his protégé Sir Patrick Home. Nevertheless, by the time Strathmore received the above application, Forfar had already elected its sheriff clerk, Mr. John Lyon.⁵⁹² Probably prompted by this later reversal, Marchmont made another, apparently final attempt to secure a vacant burgh seat, this time in Dumfriesshire. On 17 May, he reminded William Johnstone,

⁵⁸⁹ NAS GD 158/964, fol. 355.

⁵⁹⁰ NAS PA 7/25/51/7.

⁵⁹¹ NAS GD 158/964, fol. 363-364.

⁵⁹² NAS PA 7/25/61/9.

second earl of Annandale, 'I spoke to your lordship sometime agoe for a commission to my son Andrew to represent in parliament one of the burghs in Annandale. If your lordship procure it I will reckon it a kindness and favour, and be accountable for it'.⁵⁹³ The only available burgh in the shire at that point was Annan, and although still vacant at the time of writing, Marchmont was unsuccessful, the commission going to a burgh councillor, Sir William Johnstone of Sciennes.⁵⁹⁴ For the earl, in terms of accomplishing his objective, the campaign was a failure. At least four vacancies were identified as realistically attainable, but only one was secured. However, this apart, the means by which this policy was implemented is of some significance.

In attempt to obtain a vacant place Marchmont wrote to a local nobleman or laird so they could use their influence on his behalf. This is not unusual, for the influence of the landed in regional politics has been identified on a regular basis since and prior to the Revolution. Of substantial interest is the geographical extent of the policy. Marchmont was a Berwickshire nobleman, attempting to carry vacancies located far beyond the boundary of his accepted jurisdiction. It is possible to argue that this was simply an opportunist effort to supplement his position in Parliament. Considering the identity of those he proposed, in addition to his rather uneasy relationship with some of his colleagues, this is a feasible suggestion. Nonetheless, further consideration of the arrangement between Marchmont and each correspondent is important. By carrying a seat in this manner the earl was accepting an obligation in recognition of service rendered. It is reasonable to assume that this informal arrangement was neither specific or necessarily binding, but it does raise the question what those detailed above could expect from Marchmont, particularly those at some distance like Seaforth and

⁵⁹³ Fraser, *Annandale*, 171.

⁵⁹⁴ NAS PA 7/25/36/9.

Strathmore, both of whom were suspected of harbouring Jacobite sympathies. In this respect, it is fair to conclude that Marchmont was not acting in the role of Berwickshire nobleman, but trading on his position as first chancellor, and latterly commissioner. This established is it possible to consider the procedure as a court rather than individual policy? Of the remaining five vacant burgh places two were secured by men who can definitely be categorised as representative of the court. For example, in Culross the election was carried by Sir David Dalrymple of Hailes, proprietor of an estate in east Lothian. This geographical discrepancy may indicate some irregularity, which could be explained by external intervention. However, as the younger brother, of the president of the court of session, Sir Hugh Dalrymple, there is no doubt concerning his position relative to the court. Similarly, in North Berwick, the seat was secured by Sir Robert Stewart of Allanbank, brother of the lord advocate, Sir James Stewart of Goodtrees – the place having been formerly occupied by their elder brother Sir Thomas Stewart of Coltness. It is uncertain whether there was further effort by the court to secure additional commissions, but in light of the above evidence it is not implausible, especially when it is considered that court supporters carried five of the available nine burgh seats. Conscious of probable opposition in Parliament, the court identified an opportunity to increase their majority through the promotion of kin and individual interest. Nevertheless, in this instance, considering the potential court versus country dispute, it was not the individual but the collective party who benefited, a fact recognised by Marchmont who clarified this position, observing that ‘...the parliament of Scotland being to meet verie soon, it is a good service to the king and countrey to endeavour to get in able and sufficient men to represent shires and burghs

in the places which are now vacant...'⁵⁹⁵ On the whole the implementation of this practical philosophy seems to signal a break with traditional practice.

This is best illustrated by comparison with the former sixth session of September 1696. Since last meeting four shire and six burgh seats had been vacated, only five less than were available in 1698. However there appears to be no evidence of a similar acquisitive government policy. For example, in the burgh of Cullen, Sir John Hamilton of Halcraig, a lord of session since the Revolution, was chosen to replace Sir James Ogilvie, recently appointed secretary of state, but this was almost certainly achieved with the acquiescence of the latter's father, James Ogilvie, third earl of Findlater. Likewise in Lanarkshire, the vacant seat was carried by Sir William Stewart of Castlemilk, elected on the duchess of Hamilton's recommendation.⁵⁹⁶ In both elections there seems no reason to suggest any external influence beyond that customarily associated with the locality. The same can more or less be said of the remaining vacancies, with the single exception of Anstruther Easter. This has received detailed attention in a former chapter, but in brief, the burgh could not afford to send a commissioner to Parliament, and in order to satisfy a warrant for their attendance sent a blank commission to Tullibardine, then high commissioner, to be given to anyone he considered suitable. This was ultimately concluded in favour of his secretary, Mr. Patrick Murray of Dollerie, a native of Perthshire, and burghess of Edinburgh. Nevertheless, while comparable to the policy described above, in this instance the opportunity was not contrived by Tullibardine, although he was well prepared to exploit the situation. However, it is difficult to comment with any real certainty, considering many docu-

⁵⁹⁵ NAS GD 158/964, fol. 363-364.

⁵⁹⁶ NAS GD 406/1/6831. '...Sir William Stewart of Castlemilk who was recommended by my Lady Duches is chosen commissioner of parliament in place of the laird of Lie deceased, Sir William Lockhart of Cairstaires compaited with him bot lost out by two voites...'

ments that would illuminate local political life are no longer extant. For example, had it not been for the Marchmont correspondence there would be no obvious record of an apparent shift in contemporary electoral policy, considering he gained only one of four targeted vacancies. So is it possible that a similar situation had prevailed in 1696? With regards those by-elections there are no obvious cases of non-residency or atypical external intrusion, which would usually suggest some level of abnormality. Instead, they conform to a familiar pattern already established, in which traditional regional jurisdiction was the most significant factor in conditioning local politics. In this respect any innovation must be kept in perspective, for in fact there is little fundamentally different with regards core procedure identified in 1698. By-elections of the later seventeenth century were fought in a conventional manner, but on a level previously unidentified, consistently circumventing the confines of accepted local authority, an important feature that will receive additional consideration below. This attribute was apparently unique to this period, concurrent with the emergence of an active opposition in Parliament.

The seventh session of the Convention Parliament began on 19 July 1698. Following the usual procedural formalities, the King's letter was read to the house. Had any member been unaware, they would have soon realised that the principal reason for meeting was to vote supply for maintaining the forces upon the present establishment. Despite confidently predicting that this would be granted by a considerable majority, it was readily broadcast that those who opposed the government could expect neither place nor pension.⁵⁹⁷ To show this was no empty threat, Tullibardine had been removed from both Privy Council and exchequer the previous day, on the pretext that he

⁵⁹⁷ *Carstates SP*, 400.

only held these offices in his former capacity as secretary of state.⁵⁹⁸ Queensberry later commented that nothing had contributed more to their success ‘...than the laying aside earl Tullibardine from the council...’⁵⁹⁹ This had a marked affect on the opposition, which became apparent when Parliament assembled to choose their committees. The opposition were routed, a victorious Seafield proclaiming ‘...we have carried the committees; so as neither amongst the noblemen, barrones, nor burrows, is ther on ellected bot those that were in our concerted lists...for we had, that did vote in every particular with us, thirtie eight noblemen to eleven; and we carried the list of the barrons by [twelve] votes; and we had almost the burrows intirely’.⁶⁰⁰ Before the election, both Annandale – who had already expressed an interest in the vacant position of treasurer depute and more recently secretary⁶⁰¹ – and John Maitland, fifth earl of Lauderdale, apparently influenced by the former declaration, defected to the court.⁶⁰² The first of these, on the recommendation of the commissioner, and only after promising to support the King’s concerns, was rewarded with a place on the committee for security of the kingdom, after Queensberry persuaded his kinsman, James Douglas, tenth earl of Morton, to demit in his favour.⁶⁰³ The significance attached to carrying the committees requires little explanation. On Friday 22 July the committee for security met to discuss the fundamental business of that session, whether maintaining the established forces was necessary or not. The opposition members attempted to delay any decision, pressing for time to better consider the matter. However, very much in the minority their proposal was unsuccessful.⁶⁰⁴ The question was stated and put to a vote which carried almost unanimously, only Whitelaw voting against the motion,

⁵⁹⁸ NAS PC 1/51, fol. 457.

⁵⁹⁹ *Carstares SP*, 401.

⁶⁰⁰ *Carstares SP*, 397.

⁶⁰¹ Fraser, *Annandale*, 165, 168.

⁶⁰² *Carstares SP*, 401.

⁶⁰³ *Ibid.*, 397, 401, 411.

⁶⁰⁴ NAS GD 158/965, fol. 1-3.

while Sir John Hamilton of Halcraig, commissioner for Cullen, apparently abstained.⁶⁰⁵ The overture was brought into the house the following morning, but before this could be discussed, Patrick Murray of Livingstone, one of the commissioners for Linlithgowshire, questioned whether the several members of Parliament who were absent the previous session, and had not subscribed the association in the time prescribed should be admitted.⁶⁰⁶ Although this seemed a rather innocuous query, it was not simply a procedural matter. Marchmont recognised that ‘...almost all the commissioners in that circumstance were persons convinced of the necessitie of keeping up the established troops, and wee thought that those who opposed ther admittance might have ane eye to that...’⁶⁰⁷ After some debate the matter concluded with a vote which the court successfully carried by over one hundred votes to thirty-two.⁶⁰⁸ Seafield noted that this vote, evidence of the relative strength of either party, largely demoralised the opposition.⁶⁰⁹ The court lost no time in pressing their numerical advantage, shifting emphasis to the overture concerning the forces, already introduced by the committee for security. After lengthy deliberation, the vote was stated whether to continue the forces on the present establishment, or restrict their number. Despite the best efforts of Tullibardine – who presented an alternative model for the consideration of Parliament⁶¹⁰ – John Hamilton, second lord Belhaven, Sir Thomas Burnet of Leys, commissioner for Kincardine, and Sir Francis Scott of Thirlestane, member for Selkirkshire – who all spoke against the court proposal – the decision to continue the forces was passed by one hundred and ten votes to thirty-eight.⁶¹¹ David Crawford, Hamilton’s secretary and at that point deputy keeper of the signet, wrote a letter to his

⁶⁰⁵ NAS GD 158/965, fol. 1-3. Carstares SP, 395.

⁶⁰⁶ Carstares SP, 395.

⁶⁰⁷ NAS GD 158/965, fol. 1-3.

⁶⁰⁸ NAS GD 158/965, fol. 1-3. Carstares SP, 395.

⁶⁰⁹ Carstares SP, 395.

⁶¹⁰ Carstares SP, 404-5.

⁶¹¹ NAS GD 406/1/9064. Carstares SP, 396.

patron later that evening, expressing an opinion that was probably shared by most of the country party.⁶¹² In reference to the former proposal that Hamilton should enter Parliament as quickly as possible, he conceded that ‘...the designe of having yow so soon doun I am affrayed is now frustrat, ffor this day the parliament has done all the King’s bussiness...’⁶¹³

Parliament reassembled on 27 July, to consider how best to supply the forces that were to be provided. This could have proven a contentious subject, particularly in a period of shortage, which Seafeld considered the real problem facing the government.⁶¹⁴ Nevertheless he felt that granting supply for at least three years was the most satisfactory option.⁶¹⁵ However this proved impossible to obtain, the committee for security preferring a fund that would provide maintenance for two years – an accommodation that still received eight negative votes.⁶¹⁶ This agreed the report of the committee was duly offered to the house, but before they could proceed further, John Hay, second marquis of Tweeddale moved that the petition of the company of Scotland should be first read and considered, a motion that had been introduced and successfully delayed in the former sederunt. This proposition caused the government considerable anxiety, for while they had enjoyed an overwhelming majority in this session of Parliament, the nation’s general enthusiasm for the company and their recent colonial undertaking transcended the boundaries of court and country. This was illustrated by the fact that Tweeddale’s proposal was seconded by many of the members. who appeared so forward for the company that Marchmont found it impossible

⁶¹² NAS GD 406/1/4263. *Seafeld*, 256. Crawford demitted the office in September 1698, on the instruction of the duchess of Hamilton. He was replaced at the beginning of February 1699, by Sir Alexander Ogilvie of Forglen, Seafeld’s cousin.

⁶¹³ NAS GD 406/1/4250.

⁶¹⁴ *Carstares SP*, 397.

⁶¹⁵ *Ibid.*, 405-6.

⁶¹⁶ *Ibid.*, 406.

to have them first consider the committee recommendation. In a letter to the King he explained that this ‘...would not have been yielded to without a vote (that was not to be hazarded) if wee had not condescended to read the petition and the annexed memoriall befor wee pairted that dyet...’⁶¹⁷ With company business temporarily deflected, the equilibrium was restored, and the report was brought to a successful conclusion, carrying two to one in the court’s favour.⁶¹⁸ In this respect, Seafield commended the provost of Edinburgh, who ‘...did us special service in this matter; for, the night before, he called the boroughs together, and entertained them, and brought them to a consent...’⁶¹⁹ However, there was little opportunity to dwell on this achievement, the vote being immediately followed by the first reading of the company petition. The document provided a summary of the company’s grievances, which it was alleged, were caused exclusively by English intervention, resulting in the collapse of efforts to raise capital in England and Hamburg. Concluding with a rather general statement, the petitioners asked that Parliament give their representation serious consideration in order to vindicate the reputation of the company abroad. It was agreed to delay further discussion of the matter until the first sederunt of the following week, but this postponement seems to have done nothing to alleviate court concerns. In a letter to the King dated 28 July, Marchmont observed ‘...I am apprehensive that this petition creat us trouble, for the opposers make a handle of that bussiness which is soe popular, many being concerned in it, that I am afraid I shall have much difficultie to get the mater so ordered as may give your majestie satisfacione...’⁶²⁰ Likewise Seafield acknowledged that ‘...we are apprehensive of no danger now, except from the petition

⁶¹⁷ NAS GD 158/965, fol. 4-5.

⁶¹⁸ *Carstares SP*, 405.

⁶¹⁹ *Ibid.*, 406.

⁶²⁰ NAS GD 158/965, fol. 4-5.

of the East-India Company'.⁶²¹ Despite the King's business being all but complete, the peaceful conclusion of Parliament was by no means assured.

On Friday 29 July, consideration of an adequate fund for a suitable supply was resumed. Exactly a week since they had first met, the committee for security proposed that an eight month land cess, to be paid annually for a period of two years, was the most effectual means of maintaining the forces. This was agreed and introduced as a draft act, offering the sum of one million one hundred and fifty-two thousand pounds as sixteen months supply, which was read for the first time and ordered to lie on the table.⁶²² The following day the act was read a second time, and after further deliberation brought to a successful conclusion, '...the votes against it being so verie few that it passed almost unanimouslie...'⁶²³ Seafeld records that '...the Earle of Tullibardine, Marques of Tweedell, Ruglen, my Lord Whitlaw, Sir Francis Scot, and Lord Enstruther, did continue to oppose to the last; and when all would not doe, they first endeavoured to gett appropriating clauses adjected, that it might appear that the parliament had no trust in the King...'⁶²⁴ For example, Tweeddale – who Argyll described as having '...acted a foolish part; for they have made him give in all the foolish proposals...'⁶²⁵ – presented an overture, that there should be a clause in the act concerning the troop and regiment of Scots guards, discharging them from serving overseas until they were restored to their rank '...as the guards of the king of Scotland...'⁶²⁶ This was apparently an attempt to encourage patriotic support, as the guards were shown to be behind their Dutch equivalent in the order of precedence. Seafeld ex-

⁶²¹ *Carstares SP*, 406.

⁶²² *APS*, X, 128.

⁶²³ *NAS GD 158/965*, fol. 6.

⁶²⁴ *Carstares SP*, 410.

⁶²⁵ *Carstares SP*, 412.

⁶²⁶ *NAS GD 158/965*, fol. 6; *Carstares SP*, 410, 415.

plained this was due to the fact that with regard their establishment, the Dutch were considered the equivalent of an English regiment. The matter was let fall, and with it a number of similar proposals, including a resolve that only Scots should be employed in the army.⁶²⁷ Supply secured, the only controversial business left to determine was the company petition, deliberation of which continued on 3 August. There is no doubt that since it was first presented, both the court and country parties had made a concerted effort to influence members of Parliament.⁶²⁸ However, as the court had predicted there was an obvious majority in favour of the colony, Marchmont observing that ‘...many who had concurred heartily for continuing the troops and for imposing the supply, and who I hope will still do so in other steps of your majesties service, were altogether averse from making any appearance which might seem cross to that company...’⁶²⁹ In an attempt to limit debate in Parliament, the government pushed to have the petition remitted to the partisan committee for security of the kingdom. The opposition aware of the damage this could cause, proposed that a new committee be chosen, for the specific purpose of considering the petition. This was put to the vote, and carried in favour of the committee for security by one hundred and two votes to fifty-one.⁶³⁰ The court was determined to avoid an address, and privately recommended that the company petition would be better presented by either the chancellor or secretary.⁶³¹ Nevertheless, Marchmont found that even ‘...these we had the greatest influence upon could not be prevailed with to support us..’⁶³² and all but a few of the committee were forward for an address. This was presented to Parliament on 5 August, after substantial effort had been made in committee to sanitise the content. Ar-

⁶²⁷ *Carstares SP*, 410, 415.

⁶²⁸ NAS GD 158/965, fol. 7-8; *Carstares SP*, 410.

⁶²⁹ NAS GD 158/965, fol. 7-8.

⁶³⁰ NAS GD 158/965, fol. 7-8.

⁶³¹ NAS GD 158/965, fol. 7-8; *Carstares SP*, 421.

⁶³² NAS GD 158/965, fol. 7-8.

gyll, a member of the committee and present during the preparation of the address, assured Carstares, ‘...that the sting is took out of the expressions in it as much as argument could prevail...’, adding that ‘...you’ll see it all through clipped as much as possible of what might choak...’⁶³³ He referred specifically to the phrase concerning the memorial presented to the senate of Hamburg ‘...tending to lessen...’ the privileges granted to the company by Parliament, ‘...for others would have had it a positive rough assertion...’⁶³⁴ However the address, resembling the petition as closely as could be expected, concentrating primarily on the situation in Hamburg but making no mention of the English Parliament or its role in the collapse of English capital, was unanimously approved. Of special note were the ‘...great heats and debates betwixt the nobility and the barons...’, concerning the beginning of the manuscript. It appears the nobility would have had it addressed from the three estates of Parliament and the barons, while the barons contended that ‘...they wer all one state with the nobility...’⁶³⁵ It is unclear why this issue should surface here, considering that for almost the last decade, the administrative term ‘estates’ was generally accepted as adequately describing the composition of Parliament. Lord Basil Hamilton commenting on the situation remarked that the barons were ‘...certainly by law...since this revolution a different state...’⁶³⁶ Nonetheless, it seems probable that dispute was originated by the suggestion that the barons were not one of the three estates of Parliament, implicit in the proposed title. Similarly, the fact that the country party was strongest in the shire estate may have encouraged court noblemen to portray them as a supplement to the established political community. Unfortunately there is no record of who took the lead in this debate, what proportion of the house was actually involved, and ultimately how

⁶³³ Carstares SP, 421

⁶³⁴ Carstares SP, 421; APS, X, 134; Riley, *King William*, 128.

⁶³⁵ NAS GD 406/1/9081.

⁶³⁶ NAS GD 406/1/9081.

important it is with regards the modern perception of the membership of the seventeenth-century Scottish Parliament. In any case the matter was eventually abandoned, and the address sent on behalf of the noblemen, barons and burgesses convened in Parliament – the conventional three estates.⁶³⁷

The company address having been brought to a satisfactory conclusion, from the court perspective the remainder of the session was largely a formality. The opposition turned their attention to the regulation of apparel, in an attempt to prohibit the importation of English wool and silk. Likewise, in a last ditch attempt to divide and humiliate the court, Tullibardine, Whitelaw, and Ludovic Grant of that Ilk, approached John Dalrymple, second viscount of Stair, out of favour for his role in the Glencoe massacre, encouraging him to attend Parliament.⁶³⁸ Stair was keen to accept the invitation, but Marchmont made it clear that he had received no instruction concerning him, and would not consent to his appearance. This prompted an impressive court delegation comprising James Douglas, second duke of Queensberry, Argyll, David Melville, third earl of Leven, Seafeld, Sir James Murray of Philiphaugh, and Sir Hugh Dalrymple of North Berwick, to wait on Stair at Newliston.⁶³⁹ In return for a guarantee that the commissioner would write to the King favourably representing him, Stair agreed not to attend.⁶⁴⁰ In a letter to Hamilton discussing the rumour concerning his prospective attendance, Dalrymple wryly observed that he had ‘...not bein at the slaughter of the club tho that will not secure me, for I was farder of from the slaughter of Glencoe yett they thought no shame to charge that upon me...’⁶⁴¹ This last failed attempt seems to indicate the conclusion of the opposition campaign, being followed

⁶³⁷ *APS*, X, 134.

⁶³⁸ *Carstares SP*, 427.

⁶³⁹ *Ibid.*, 428.

⁶⁴⁰ *Ibid.*, 427.

⁶⁴¹ NAS GD 406/1/4319.

by a period of relative calm. Tweeddale was rendered ineffective by a private act relating to the lady Dalkeith's jointure which involved the principle of entails on a point which he thought might be prejudicial to him.⁶⁴² Argyll remarked '...we kept it a whipe over his head: so that during the continuance of the parliament, none of that gang durst offer any of ther impertinent acts, which they had flattered themselves to make us uneasy by...'⁶⁴³ Similarly, Tullibardine had more pressing concerns outwith Parliament. It was alleged that he and two of his brothers assaulted the laird of Balnagowan, apparently an associate of Fraser of Beaufort.⁶⁴⁴ The commissioner receiving information that '...there being in town abundance of highlanders of the earle of Tullibardines men and the laird of Balnagouns carrying swords, daggers and syde pistolls upon them, as ther manner is...', was apprehensive of the outcome.⁶⁴⁵ He hastily convened a meeting of available councillors attended by Queensberry, Argyll – who cannot be considered a disinterested party, his aunt having married Balnagowan, and he himself an apologist for his '...old relations, faithfull friends, and dependents, and sword-vassals...' the Frasers – Seafield and the advocate.⁶⁴⁶ They resolved to place all four of the leading protagonists under close arrest. Released on the 29 August, an indignant Tullibardine went straight to Parliament, where he defiantly asserted that he, a member of the house, had been arrested on the strength of a simple warrant issued by the commissioner. He complained that there was no evidence of the alleged crime, the Privy Council had not been formally called, and he had been given no opportunity to find bail. In short, Tullibardine proclaimed that his arrest had been contrary to the

⁶⁴² Riley, *King William*, 127.

⁶⁴³ Carstares SP, 431.

⁶⁴⁴ In 1697 Simon Fraser of Beaufort had abducted Emilia Murray, dowager lady Lovat – Tullibardine's sister – forcibly marrying her in an attempt to secure the title. In addition, he captured lord Mungo Murray – Tullibardine's brother – and William Fraser, second lord Saltoun. For these crimes, he and a number of his associates, were outlawed in 1698.

⁶⁴⁵ NAS GD 158/965, fol. 9-11.

⁶⁴⁶ NAS GD 406/1/4253; *Carstares SP*, 431, 436.

privilege of Parliament, presenting the overture of an act on the subject of wrongous imprisonment.⁶⁴⁷ However, David Crawford recorded, that ‘...only my lord Whitlaw and earle Marshall and two or three more speaking in the matter, and they overrun by the court, it was altogither layd aside...’⁶⁴⁸ In the vain hope of retrieving something from this situation, an account was sent to Selkirk, then on the continent. On presenting the matter to the King, he received the rather curt reply that Tullibardine had no reason to expect any favour from him, ‘...and that he would do justice to eavery body...’⁶⁴⁹ The session now drawing to a close, there was little for the opposition to celebrate, with the possible exception of an incident that occurred on 30 August. In the process of ratifying legislation, it was noticed, almost certainly to the delight of the assembled country members, ‘...that after [Marchmont] toke the scepter in his hand to touch the acts, the great globe in the head or upperpart of the scepter fell doun, which they were sometime in fixing againe before he touched the acts...’⁶⁵⁰ Nonetheless, from the court perspective, this did not detract from what was otherwise a successful meeting of Parliament. The session was adjourned at the beginning of September, David Crawford, with a sharp eye for detail, mentioning that ‘...the earle of Argile on the head of the troop of guards waitted on the commissioners coach both up and doun streets...’, adding that ‘...the commissioner went off dancing ffor he had a ball till four in the morning...’⁶⁵¹

In his interpretation of the above, Riley argues that the seventh session of Parliament underlined that there was no strong country interest. Instead, he concludes that the opposition were no more than a disgruntled faction opposed to the prevailing interest at

⁶⁴⁷ NAS GD 406/1/4252; APS, X, 147.

⁶⁴⁸ NAS GD 406/1/4252.

⁶⁴⁹ NAS GD 406/1/6766.

⁶⁵⁰ NAS GD 406/1/4252.

⁶⁵¹ NAS GD 406/1/4267.

court, and therefore consistent with his claim that personal interest was the single most important factor in conditioning seventeenth-century Scottish politics.⁶⁵² In confirmation he concentrates on the substantial court majority, and the fact the opposition found it difficult to attract votes even with regards obvious country policies like Caledonia and supply.⁶⁵³ However, he disregards the fact that on both these issues the government were forced to come to an accommodation. They could not successfully secure three years supply, and despite influencing the content of the Parliament address in favour of the colony, they would rather have had the project discarded. Similarly, although the opposition were in the minority, their core membership remained cohesive throughout the session. Of comparable significance was the fact that the opposition design to have Hamilton present had not gone to plan, and additional preparation seems neither as coordinated nor comprehensive as it proved in subsequent years. In this respect it is perhaps unfair to judge the country party on the strength of this first session. On the contrary it can be argued that the alarm bell should have been ringing for the court. They had secured adequate supply temporarily satisfying the King, and likewise the company had been pacified in the short term. However neither matter had been resolved and the opposition was still intact. In conclusion, an account of Parliament sent by an optimistic Tullibardine to Hamilton on the day of adjournment might better indicate the mood of the country party. He wrote ‘...I can add no more being extreamly satisfied this parliament in doing what I could to prevent inconveniencies to our country, friends and myself, I hope I shall never be without better seconds, and I hope to second your grace the next...’⁶⁵⁴

⁶⁵² Riley, *King William*, 128.

⁶⁵³ Riley, *King William*, 127.

⁶⁵⁴ NAS GD 406/1/6442.

The months that immediately followed the adjournment of the seventh session of Parliament, can best be described as a period of recrimination and court consolidation. To some extent the successful conclusion of business superficially covered the crack that had divided the court interest from the outset. However the cohesive front apparent in Parliament was an artificial coalition made necessary by an organised opposition. Nothing had been done to heal the rift, and in private, neither Queensberry, Argyll or Seafield missed any opportunity to discredit Marchmont, all eager to have him replaced. They made every effort to report the transgression of any member considered to be one of the chancellor's interest.⁶⁵⁵ Similarly, another of the old guard, George, first earl of Melville, was equally susceptible to this treatment, although not without some justification. Melville seems to have been dissatisfied with his position as president of Privy Council, and in recognition of his former service, sought a more prominent role in government. Nevertheless his equivocal behaviour in Parliament was an ideal opportunity for Argyll, who reported to Carstares '...you most know our friend Melvine has not opened his mouth scarce all this session, nor Earle Leven but once...They have both voted right in all their votes; but the little thing, the brother, has voted wrong in almost all the votes; as has likewise Lord Burlie and Rydie...'⁶⁵⁶ Likewise, Seafield observed that 'Melvill and my Lord Leven were almost for all the proposals I have mentioned, tho' they did not appear very much in them above board; and Baillie James Ruthven, Reid, Strouie, and all Melvil's followers, except himself and Leven were against us in everything'.⁶⁵⁷ In comparison, the three lords went some length to stress the cohesion of their own support, carefully recording each convert

⁶⁵⁵ Carstares SP, 386, 389, 392, 393, 397, 423.

⁶⁵⁶ Ibid., 412. David Melville, third earl of Leven, was George, first earl of Melville's eldest son. The brother referred to is Mr. James Melville of Halhill, commissioner for Fife, Melville's fifth son. George Moncrieff of Reidie, another commissioner for Fife, was Halhill's father-in-law. Robert Balfour, fourth lord Burleigh, had married Margaret, Melville's eldest daughter.

⁶⁵⁷ Ibid., 430.

made. For example, in July, Argyll boasted of gaining William Keith, ninth earl Marischal with all his friends.⁶⁵⁸ Some weeks later he made special mention of carrying ‘...two Hamiltons of the family Barns Hamilton, and Hamilton for the town of Lanarick, who love not to part with their money’.⁶⁵⁹ In like manner a boastful Seafeld noted that he had carried Francis Mollison, commissioner for Brechin from under James Maule, fourth earl of Panmure’s nose.⁶⁶⁰ While interesting anecdotes, the above also convey something of how contemporaries viewed local society. Argyll cited his success in Lanark because it was expected those members of Parliament would take their lead from Hamilton. The same can be said of the burgh of Brechin, which was formerly represented by Panmure’s younger brother, Mr. Henry Maule of Kellie. Regional jurisdiction was obviously still considered a legitimate factor in local politics. Conversely, it might be argued that these captures could not have been made without some alteration in the fabric of local society. It would be naive to suggest that ideals and values had not altered in the last hundred years or so, but it must be emphasised, that with the exception of Claud Hamilton of Barns, member for Dumbartonshire, and Thomas Hamilton, commissioner for Lanark, court success in the areas formerly mentioned proved temporary. In a matter of months, the Jacobite Marischal renewed his more natural allegiance to the country party bringing a number of northern members with him, while Mollison was evidently brought to heel voting steadily with the opposition through the final two sessions of Parliament. It has been stressed on a number of occasions, but it is worth reiterating that landed authority was still decisive in determining political allegiance.

⁶⁵⁸ *Ibid.*, 393.

⁶⁵⁹ *Ibid.*, 411.

⁶⁶⁰ *Ibid.*, 390.

Having digressed from the theme previously addressed, it is necessary to bring it to a close before considering the next chronological period. Recrimination bore little fruit, as any plan to restructure the court hierarchy was shelved due to the more immediate problem of what to do with those of the opposition who also held a place in government. The solution was straightforward and had been obvious to Queensberry from late July. In order to encourage his supporters it was necessary that the King discourage his enemies.⁶⁶¹ Similar sentiments were expressed by Argyll, who advised swift action against John Hamilton, first earl of Ruglen, claiming that ‘...some think the King will not venture to frown on the house of Hamilton; but I am not of that mind; an example that way is worth two’.⁶⁶² This was in all probability prompted by some knowledge that the resignation Hamilton had received from his mother was pending before the King, something the court felt would encourage the opposition.⁶⁶³ Nonetheless, by the beginning of September the serious business of reorganising government and settling the resultant vacancies had begun. William, twelfth lord Ross endeavoured to secure the secretaries place formerly held by Tullibardine, but Seafield was of the opinion that in Parliament ‘...he cannot pretend that he did great service by speaking; nor did he influence any body...’⁶⁶⁴ In any event, real deliberation was reserved for the new commission of Privy Council and exchequer, notice of which was sent to Carstares on 14 September, after discussion involving Queensberry, Argyll, Marchmont and Seafield. They proposed that ten of the former council should be removed, although they were prepared to include two who they considered ‘...moderate opposers, and are at bottom honest men, and who have no pension off his Majesty,

⁶⁶¹ Ibid., 400.

⁶⁶² Ibid., 423.

⁶⁶³ Ibid., 426, 429, 441, 442; NAS GD 158/965, fol. 39-41.

⁶⁶⁴ Carstares SP, 437.

which two are Lord Ruthven and Laird of Grant...'⁶⁶⁵ In addition they recommended the inclusion of John Lindsay, nineteenth earl of Crawford, David Carnegie, fourth earl of Northesk, Patrick Home, Lord Polwarth, William Ker, third lord Jedburgh – eldest son of Robert Ker, fourth earl of Lothian – Sir Colin Campbell of Aberuchill and Sir James Falconer of Phesdo.⁶⁶⁶ However, Argyll was fiercely opposed to the promotion of Marchmont's cousin, Sir John Home of Blackadder, a member of Parliament for Berwickshire, who he described as a man '...light in the forehead, full of notion, always taking, and most uneasy to be in business with...'⁶⁶⁷ Negotiation obviously continued, and in a letter to Seafeld bearing the same date as that which contained detail of the provisional council, Marchmont recalled a meeting with Queensberry and Argyll late that evening, in which they had recommend two further councillors, James Stewart, fifth earl of Galloway and Sir David Home of Crossrig.⁶⁶⁸ Of those mentioned above, all were included in the new commission of council implemented on 8 November 1698.⁶⁶⁹ It is difficult to fully establish the extent of reform as the requisite Privy Council register containing the former commission is currently languishing in the national archives labelled unfit for production.⁶⁷⁰ Nevertheless, it is possible to illustrate that all country members active in Parliament, Tweeddale, George, fourteenth earl of Sutherland, Ruglen, Thomas Hay, first viscount of Dupplin, Lord Yester, Sir William Anstruther of that Ilk and Sir John Lauder of Fountainhall, were removed from council. The only representative of the opposition interest to survive the purge was Selkirk, the absentee clerk register, who retained his office and by association a place on council, although he was only present once in the period to

⁶⁶⁵ *Ibid.*, 443.

⁶⁶⁶ *Ibid.*, 443.

⁶⁶⁷ *Ibid.*, 444.

⁶⁶⁸ NAS GD 158/965, fol. 18.

⁶⁶⁹ NAS PC 1/51, fol. 480-483.

⁶⁷⁰ NAS PC 1/50.

January 1701.⁶⁷¹ In truth his position proved to be of little worth as he found himself increasingly ostracised by colleagues, confessing to Hamilton ‘...I know less what is a doing then if I were in Jappan...’⁶⁷²

With the Privy Council complete, the court proceeded to further consideration of additional vacancies. Ruglen lost his place as general of the mint, the office going to John Maitland, fifth earl of Lauderdale, probably in recognition of his service in Parliament, disappointing David Erskine, first earl of Buchan who had also courted that position.⁶⁷³ His fellow convert Annandale, disappointed in the pursuit of an available place received a pension, as did two of the Queensberry clique, Sir Hugh Dalrymple and Sir James Murray of Philiphaugh.⁶⁷⁴ In addition, John, second lord Carmichael was appointed joint secretary of state on the recommendation of his conjunct Seafield.⁶⁷⁵ The place of treasurer depute was also vacant following the death of Lord Raith. Considerable effort was made to persuade Adam Cockburn of Ormiston, then lord justice clerk, to accept the opening, creating a further vacancy that would permit the promotion of Sir John Maxwell of Pollok, the brother-in-law of Sir James Stewart, lord advocate, and an experienced courtier.⁶⁷⁶ The intention was to have Pollok established as justice clerk – an office Queensberry intended for Philiphaugh⁶⁷⁷ – and in addition a lord of session, a place on the bench being available since the death of Sir John Baird of Newbyth in April 1698. However, Ormiston was not the easiest man to deal with possessed of a ‘...rough stinge temper which seems naturall to him and can-

⁶⁷¹ NAS PC 1/52, fol. 156.

⁶⁷² NAS GD 406/1/9071.

⁶⁷³ Carstares SP, 460.

⁶⁷⁴ Seafield, 255-256; Fraser, Annandale, 178-179. Annandale received a pension of four hundred pounds sterling per annum, the president of session and lord Philiphaugh were granted pensions of two hundred pounds.

⁶⁷⁵ Seafield, 255-256.

⁶⁷⁶ Sir John Maxwell of Pollok married Marion, sister of Sir James Stewart of Goodtrees, lord advocate.

⁶⁷⁷ Carstares SP, 452.

not but be unpleasant to those who are in business with him...'⁶⁷⁸ He was not keen to demit, contributing to a rumour that he would receive the court of session vacancy, an appointment that Argyll fiercely opposed, warning that '...we have foul weather enough by Lord Whitelaw already; but, if the other come in, we shall have a constant storm'.⁶⁷⁹ Nevertheless, Ormiston was eventually convinced to accept his new position allowing Pollock to assume the role of justice clerk. This only left the opening for an extraordinary lord of session, which was contested by Hugh Campbell, third earl of Loudoun and Melville. Argyll and Seafield were keen to have the former chosen, Argyll reminding Carstares not to let Melville's '...unreasonable pretending to the vacant grown make you slack as to Earl Loudon, who, though a younger man, is an older, and a more noted presbyterian than he. Loudon has it in his blood and is a mettled young fellow, that those who recommend him will gain honour by him...'⁶⁸⁰ Their intervention proved decisive and Loudoun was created an extraordinary lord in February 1699.

In conclusion the court was successful in consolidating its position in the period immediately following Parliament, effectively removing any trace of opposition. However, this also confirmed a division in the court evident in the emergence of a dominant interest comprising Queensberry, Argyll and Seafield, who effectively monopolised the dispersal of place and patronage. Likewise, reorganisation left some disappointed, Ross for instance, who failed to secure the place of secretary and appeared in opposition in both successive meetings of Parliament. Nevertheless, the methodical purge that followed the conclusion of the seventh session showed that opposition was an expensive business. In this respect, it is difficult to understand how the covetous

⁶⁷⁸ NAS GD 158/965, fol. 43-44.

⁶⁷⁹ Carstares SP, 457; Fraser, Pollok, 113-118.

⁶⁸⁰ Carstares SP, 451.

peerage that inhabited Riley's Scotland were prepared to risk anything in the political arena, aware of the consequence of royal disapproval. This aside, the most important effect of court reconstruction was the fact that it largely determined the core identity of either party. The positions begun in preparation for Parliament had been solidly entrenched by the beginning of the new year.

Near the end of March 1699, the company received word that the first expedition had successfully established a colony on the Isthmus of Darien.⁶⁸¹ The advocate and president of session were called to London, where, with the secretaries, they attended a conference in early April. Neither the King or his English government ministers then present, showed enthusiasm for the project, John Haldane of Gleneagles reporting that the King had reputedly said '...he had heard too much of that alreadie and would hear no more, and added that the whole Isthmus of Darien did as certainly belong to the King of Spain as Scotland did to him...' ⁶⁸² In a letter to John Hay, second marquis of Tweeddale, Sir Francis Scott of Thirlestane, commenting on this rumour, defiantly retorted '...that the King of Spains right to Darien is such as he has to England...' ⁶⁸³ Nonetheless, this episode illustrates the fundamental problem that faced Caledonia. The simple fact of the matter being that the King was not prepared to risk his continental diplomacy over the Scottish colony. Conversely the colonial endeavour had captured the imagination of the Scots populace, more so because of communal subscription in several burghs, that permitted almost everyone to have a definite interest in the company. For the Scots who had endured years of famine and dearth, the descriptions of the colony must have made it seem a land of milk and honey. For example, one of the less fanciful accounts was documented by Marchmont, who re-

⁶⁸¹ NAS GD 158/965, fol. 99.

⁶⁸² NLS 7020/153.

⁶⁸³ NLS 7020/154.

corded the observations of one of the original colonists. The chancellor wrote ‘...he commends the wholesomeness of the place, that the heat is nothing intollerable, so that people can continue at work easilie the whole day except about three hours about noon, he lykewayes says that the rains are not verie uneasie and that they are sensible of more convenience by thair cooling and refreshing the groun than of any sort of damage or trouble by them...’⁶⁸⁴ This was a far more attractive prospect than that described by David Crawford, who observed that ‘...the condition of Clidsdale is so bad, that the poor are dying every day by the dyke sides and on the high way for mere want...’⁶⁸⁵ However, in October a report reached Scotland intimating that recent rumours concerning the colony were true. There was now absolutely no doubt that Caledonia had been abandoned. Concerned by the reaction to this news, Marchmont wrote to the King reporting that the desertion had caused ‘...ane universall dissatisfaction in this nation, most pairt imputeing it to the proclamations in the English plantations passing by other obvious causes...’⁶⁸⁶ However, this account was primarily designed for royal consumption. In a letter to Seafield of the same date, the anxious chancellor elaborated on his former, stating that ‘...it is almost become a common talk that the King has noe kindness for Scotland nor for any persons in it, and that it is uneasie to him even to have the secretaries with him speaking of our affairs...’⁶⁸⁷ The reaction of the company was to address the King for immediate relief from the proclamations and an assurance that Parliament would meet at the next convenient opportunity. It seems reasonable to assume that Hamilton and Tullibardine instigated this design. On 13 October the earl had written to the duke ‘...it seems necessar that there be addresses for the meeting of Parliament (for it has not been usuall for a convention

⁶⁸⁴ NAS GD 158/965, fol. 171-174.

⁶⁸⁵ NAS GD 406/1/4402.

⁶⁸⁶ NAS GD 158/965, fol. 139-141. In response to the King’s instructions of January 1699 the English plantations proclaimed that no assistance of any sort would be given to the Scots colonists.

⁶⁸⁷ NAS GD 158/965, fol. 143-146.

to meet in late reigns except allernarly for giving of mony). Now whither the addresses should proceed from the severall shires or from the council general or a meeting of the whole proprietors is to be considered...'⁶⁸⁸ Discussion of these proposals took place in a meeting of the company assembled five days later. Despite considerable opposition from the court minority, Lord Basil Hamilton's proposal that they should address both the King and Privy Council, informing the later of their decision and asking for their concurrence, was agreed by all but six or seven of the forty-three councillors in attendance.⁶⁸⁹ In addition to the address several of their number were appointed to approach the commission of the general assembly in an attempt to secure a national fast on behalf of the colony. Hamilton had not attended the meeting, but his influence was significant. Marchmont mentioned that the duke had a number of private meetings with members of the company council, while adding that '...eleven ministers met at Hamiltoun in a committee of the synod of Glasgow, appoynted to meet about some business concerning the poor, signed a letter to the moderator of the assemblie desireing him to call the commission for getting a fast appoynted upon account of the colonies condition...'⁶⁹⁰ In Edinburgh there was little doubt over who was behind this ultimately unsuccessful attempt to secure Presbyterian support for the company. Nevertheless, this proved little more than a sideshow, supplementary to the company address that the King received from his Scots secretaries at the beginning of November. Queensberry, who was in attendance, noted that the King '...considered the addresse too hard upon him, yet he has given as good an answer as could be expected; and if this be receved with submission and gratefull returns I beleieve he will

⁶⁸⁸ NAS GD 406/1/4444.

⁶⁸⁹ NAS GD 158/965, fol. 139-141. The address was prepared by a committee of seven, the majority of whom, the marquis of Tweeddale, lord Yester, lord Basil Hamilton, lord Belhaven and Haldane of Gleneagles were prominent members of the Hamilton-Tullibardine interest.

⁶⁹⁰ NAS GD 158/965, fol. 143-146.

do much more then he has promised'.⁶⁹¹ This would not have been difficult, for in effect he had promised very little. The King expressed regret at the loss of the nation, the Scots colonists were to have freedom of trade with the English plantations, but there was no concession with regards Parliament, which was adjourned until 5 March 1700, and would next meet on an occasion '...when we judge the good of the nation does require it'.⁶⁹² This was intimated to a meeting of the company counsellors on 15 November, but as observed by Lord Basil Hamilton, the reply was received in '...great silence for a long time for I believe the most part wer not satisfied with the gracious satisfying answer, and non had confidence anuff to say it was such except my lord Annandale...'.⁶⁹³ By all accounts the court went some length to have the King's letter acknowledged, but were countered by the opposition who demanded that their address and the royal response should be published, the later on account of it's obvious merit. This motion was put to a vote and although carried positively, the chancellor delayed printing until he had had convenient time to consider the content.⁶⁹⁴ The following day the restriction was removed, and authority given to print both papers, but the company chose to delay a few days '...to show how little we valieu that...'.⁶⁹⁵

In his excellent account of the company of Scotland, George Pratt Insh describes the above as the pretext for gathering signatures to a national address.⁶⁹⁶ There can be little doubt that the King's response provided an ideal opportunity to publicly launch the project, but in truth it had been under consideration since early October. By the end of

⁶⁹¹ Fraser, *Annandale*, 190.

⁶⁹² *Company of Scotland*, 204.

⁶⁹³ NAS GD 406/1/6947.

⁶⁹⁴ NAS GD 158/965, 157-158.

⁶⁹⁵ NAS GD 406/1/6976.

⁶⁹⁶ *Company of Scotland*, 204.

the month Tullibardine wrote to Hamilton, informing him that ‘...since I came home which was Monday last, about the petitioning I find every body forward enough for itt, but doe conclude if it should begin here it would be called a Jacobite design, wherefore as we spoke, its certainly properest if it be done in the west, and [Perthshire] and the north will certainly follow...’⁶⁹⁷ This advice was echoed by the Lord Yester who added ‘...that there is no further addressing unless it can be done in your country, and the Lothians which is much to be doubted off...’⁶⁹⁸ Preparation continued through the best part of November, when Lord Basil Hamilton informed his brother that he had a draft copy of the address for his consideration, produced after some deliberation involving the marquis of Tweeddale, Yester, himself and others. He wrote ‘...I am to bring it out with me wrott on the largest parchment we can gett, and after your hand is at it we have concluded the manner of carrying it on thus, to return it here before its offered to the west that all about the toun and the Lothians may subscribe it, which will make it go easier through in all other parts, being whats done about any Metropolis, still of greatest force and example to the rest of the countrey, and if it should begin in any other place first, they might be affrayed to goe on, and the court might practise here to stop it, so here they’ll be surprised with it, and if goe well on here thers no fear of it through the rest of the Countrey...we design but two papers of them one for this side of fforth and ffyfe and another for the other syde of Tay...’⁶⁹⁹ By the beginning of December, with the content of the address all but agreed, and strategy for its carriage resolved, there was no reason to delay further. Signing appears to have begun with a meeting in Hamilton’s lodgings at Holyrood on 6 December. Evidence of this survives in an account written by Marchmont, who supposedly happened upon the

⁶⁹⁷ NAS GD 406/1/4446.

⁶⁹⁸ NAS GD 406/1/4364.

⁶⁹⁹ NAS GD 406/1/6976. Despite agreeing that there were to be only two copies of the address, due to the project’s popularity this was impractical and seems to have been quickly forgotten, a number of them making their way through the country at any one time.

assembly by chance, visiting the duke to repay him the courtesy of his visit some days earlier. Considering the fact that the chancellor was aware of the proposed national address, designed to be ‘...subscribed by all that can be got to concur in it whither concerned in the stock of the company or not...’, at least a day before it was begun, may suggest that his discovery was not as fortuitous as he would have had others believe.⁷⁰⁰ On the other hand it is also possible that Marchmont was as unaware of the meeting as he maintained. There seems nothing to suggest that any attempt was made to keep the address secret, but from the surviving correspondence, discussion of this preparatory stage does appear to have been restricted to those securely within the Hamilton nexus. However, the chancellor was admitted and brought into a room which he described as ‘...full of noblmen and gentlmen of which the Lord President of the Council, [George, first earl of Melville], was one...’⁷⁰¹ The duke proceeded to explain the purpose of their meeting, that ‘...some of the lords here and I have been considering a humble address to his majestie signed by many of his faithfull subjects and your Lordship may heare it...’⁷⁰² On this signal Lord Basil Hamilton proceeded to read the address until stopped by Marchmont, who advised that this was not the time or proper place to consider papers. He made to leave, but considering that prior knowledge of the address could prove useful he consented to hear it read, a decision that was criticised by Queensberry as imprudent.⁷⁰³

The document began ‘...We the several subscribing noblemen, barons and gentlemen of this your majesties kingdom of Scotland...’, and alluded to the King’s answer to the company’s former address, reminding him that he had agreed Parliament would sit

⁷⁰⁰ NAS GD 158/965, fol. 176-177.

⁷⁰¹ NAS GD 158/965, fol. 179-181.

⁷⁰² NAS GD 158/965, fol. 179-181.

⁷⁰³ Fraser, *Annandale*, 193.

when the good of the nation required it. In this respect and considering that ‘...the Estates of Parliament and this nation which they represent have a peculiar interest in the concerns of the said Company, as is particularly manifested in the unanimous address of 5 August 1698...we humbly conceive nothing can be so conducive to the support and interest and credit of the said company, under its present misfortunes, as a meeting of the said Estates in Parliament, and that the good of the nation can at no time require their meeting more than at present...’⁷⁰⁴ On hearing the address, Marchmont left Holyrood and proceeded to the treasury, where he informed the assembled court ministers of his discovery. He recalled that the document had been signed by over forty individuals, principally Hamilton, Tweeddale, James Maule, fourth earl of Panmure, Tullibardine, Yester, John Hamilton, second lord Belhaven, and three lords of session – Sir William Anstruther, Sir Robert Dundas of Arniston and Whitelaw.⁷⁰⁵ They asked that the lord advocate, Sir James Stewart, and the president of session, Sir Hugh Dalrymple, would give their opinion on the matter. The chancellor hoped that after consultation they would find the address contrary to law, and enquired whether or not the matter could be brought to a satisfactory conclusion by the Privy Council. Neither was prepared to commit themselves to the definite answer the court desired, instead concluding that addressing was ‘...inconvenient and may be of bad consequence, whereupon the rest thought that was to weak a foot to the Council to proceed upon, to what might be requisit for suppressing such ane affair...’⁷⁰⁶ The lawyers were apprehensive of the clauses of the claim of right that dealt with the privilege to

⁷⁰⁴ NLS 7036/102.

⁷⁰⁵ NAS GD 158/965, fol. 179-181, 184-185; NAS GD 406/1/4531. Three days later Marchmont sent a further letter to Carmichael reporting that John Kennedy, seventh earl of Cassillis – Hamilton’s uncle – George, fourteenth earl of Sutherland and Archibald Douglas, first earl of Forfar had signed. He also observed that despite his former account Panmure had not subscribed, for ‘...I apprehend the promoters of it are not concerned to have any signeing who are not reputed well affected to the government...’ However, additional research strongly suggests that Panmure was a signatory.

⁷⁰⁶ NAS GD 158/965, fol. 179-181.

petition the King, and the other dealing with frequent meetings of Parliament, an important point that will receive further attention below. On 12 December, Queensberry, Seafield and Carmichael presented the affair to the King. The duke noted that ‘...I never in my wholl life saw him in so great a passion...’⁷⁰⁷ It was decided to send a letter to the Privy Council signifying the King’s disapproval of the address, instructing them ‘...to signifie and make known our displeasure and dissatisfaction with such proceedings, and to take the most effectual methods consisting with law for discouraging the same...’⁷⁰⁸ The council received the letter on 16 December, appointing a committee of twelve to prepare a proclamation to be taken to consideration at their next meeting.⁷⁰⁹ In addition, Marchmont records that the clerk of council was appointed ‘...to goe to the places where he could get notice that the address was exposed to be signed, and to intimat to whom he found there his majesties displeasure and dissatisfaction with such methods and proceedings...’⁷¹⁰ It is probable that this was responsible for the ensuing rumour that the King’s letter to council had forbid all future addresses and petitions. The chancellor observed that in Edinburgh this turned the attention of the populace to the Claim of Right. He was convinced that a proclamation would not have the required strength to prevent the address, and acknowledged that it would no doubt exacerbate the current situation. In private he considered it better that ‘...the counsellors would resolve each of them to dispatch the notice of his majesties dissatisfaction as broad as they could by their privat pains...’⁷¹¹ Nevertheless, the council began consideration of the proposed proclamation on Monday 18 December.

⁷⁰⁷ Fraser, *Annandale*, 193.

⁷⁰⁸ NAS PC 1/52, fol. 45-46.

⁷⁰⁹ NAS GD 158/965, fol. 190-191. The committee consisted of Melville, Annandale, Lauderdale, Sir Hugh Dalrymple, Sir James Stewart, Adam Cockburn of Ormiston, Sir John Maxwell of Pollock, Sir Colin Campbell of Aberuchill, Sir David Home of Crossrig, Sir John Hamilton of Halcraig, Sir Archibald Hope of Rankeillor and Sir James Falconer of Phesdo.

⁷¹⁰ NAS GD 158/965, fol. 190-191.

⁷¹¹ NAS GD 158/965, fol. 191-194.

The Lord Rankeillor motioned that the matter with their advice should be represented to the King. However, being put to a vote whether to represent or emit a proclamation, the later option was carried by only thirteen to ten.⁷¹² This resolved they proceeded to discuss what were described as the ‘...unusuall methods for procureing subscriptions...’⁷¹³ It was argued that if attempts were made to threaten people or ‘...drink them drunk...’ in order to obtain their subscription the address was illegal, but if it was openly displayed and men chose or were persuaded to sign, then there was no law against it ‘...or how can the right of the subjects for petitioning be safe...’⁷¹⁴ The advocate reasoned that the recent method of procuring subscriptions contravened the fourth act of the first Parliament of Charles II, against ‘...convocating the kings leidges...’ He referred to two instances, the first of which was a recent meeting of the merchant company of Edinburgh, the second a meeting of the heritors of Stirling convened by William, fourth lord Forrester. In both cases the address had been presented. Nonetheless, it was replied that the merchant company had a substantial interest in Caledonia, and their meeting to consider the address could not be considered unlawful, while the later was called to proceed on the act of Parliament for providing the poor, and not for the specific purpose of the address.⁷¹⁵ Despite this rather negative response and the tenuous legal precedent, the council approved the final draft of the ‘...Proclamation anent Petitioning...’ after some three hours deliberation. The content was similar to the King’s letter, but made it clear ‘...that we have never hitherto

⁷¹² NAS GD 158/965, fol. 196-198. Those who voted in favour of the proclamation were Melville, Crawford, John Erskine, sixth earl of Mar, Robert Ker, fourth earl of Lothian, Loudoun, Leven, Annandale, Polwarth, Sir James Stewart, Adam Cockburn of Ormiston, Sir John Maxwell of Pollok, Mr. Francis Montgomerie of Giffen and George Home, provost of Edinburgh – Marchmont’s cousin. Those in favour of representing the matter to the king were Lauderdale, David, second lord Ruthven, Sir Hugh Dalrymple, Sir Colin Campbell of Aberuchill, Sir James Murray of Philiphaugh, Sir John Hamilton of Halcraig, Sir David Home of Crossrig, Sir Archibald Hope of Rankeillor, Sir James Falconer of Phesdo and Sir Robert Sinclair of Stevenson.

⁷¹³ NAS GD 158/965, fol. 191-194.

⁷¹⁴ NAS GD 158/965, fol. 191-194.

⁷¹⁵ NAS GD 158/965, fol. 196-198.

denied our subjects their just priviledges nor will we ever discourage the liberty of petitioning when the same is done in an orderly and dutifull manner...’, reiterating that with regard the national address ‘...we will take the most effectual methods consistent with law for discouraging the same and for preventing these that are well inclined to our government from joyning with them...’⁷¹⁶ However, it would appear that the proclamation had little impact on the national address, and as Marchmont cautioned, it further inflamed the situation, the emphasis shifting from the colony to include the right to petition the King recognised in the claim of right. This clamour was heightened by the alleged appearance of copies of the document bearing the alternative title ‘...Proclamation and Information of his Majesties dissatisfaction against the address of the company tradeing to Africa and the Indies...’ The opposition denied any knowledge of this, contending that it was the result of an administrative error, but subsequent development will show that the country party did possess the capability to originate a similar scheme.⁷¹⁷

In the meantime the national address had begun in Edinburgh. Within the first week or so, the faculty of advocates, the incorporation of surgeons, and the neighbouring royal burgh of Haddington had all subscribed. On 14 December, a concerted effort was made to obtain the concurrence of the merchant company of Edinburgh, but the provost, George Home, seconded by the master of the company, Bailie Adam Brown, refused to admit a vote on the matter without first consulting the town council. Marchmont predicted that ‘...its likely ther will be no more of it in the publict hall ffor after they went out severall of the merchants subscribed the address for themselves...bot it is likewayes believed that the most pairt of the merchants of this citie will goe in to

⁷¹⁶ NAS PC 1/52, fol. 47-48.

⁷¹⁷ NAS GD 158/965, fol. 198-200. NAS GD 406/1/4362. NLS 7104/16.

will goe in to it...'⁷¹⁸ However, by the following month the address was again presented to the company, and on this occasion successfully approved. Bailie Brown, aware that he had no chance of repeating his former success was absent from the meeting, which was attended by approximately thirty of the three hundred members. The chancellor explained that '...the absence of so many was the effect of pains ffor if all had been present the same thing would have carried more powerfullie...'⁷¹⁹ He expressed a similar logic with regards the faculty of advocates, considering it of some benefit that the dean had signed on their behalf, preventing the numerous advocates from signing in person.⁷²⁰ It was rumoured that several statesmen had signed, a source of considerable confusion to the court, illustrated by the fact that Sir Alexander Ogilvie of Forglen found it necessary to write to his uncle James Ogilvie, third earl of Findlater, at the beginning of January, asking for confirmation that he had not concurred in the address.⁷²¹ Conversely it was alleged that in certain burghs placards were placed at the cross threatening those who refused to subscribe, a report that Lord Basil Hamilton first heard in London.⁷²² Likewise, Annandale told Tweeddale that he understood '...what plott we were upon against the government and that it was laide at St. Germaines...'⁷²³ It is uncertain whether the court utilised Jacobite propaganda to any extent, but in any case it seems to have little affect on the address. The court recognised that the undertaking could not be stopped and resolved to do their utmost to prevent the members of Parliament from signing.⁷²⁴

⁷¹⁸ NAS GD 158/965, fol. 186-187, 188-189.

⁷¹⁹ NAS GD 158/965, fol. 216-219.

⁷²⁰ NAS GD 158/965, fol. 196.

⁷²¹ NAS GD 158/965, fol. 189-190; Seafield, 277-278.

⁷²² NLS 7104/16.

⁷²³ NAS GD 406/1/4363.

⁷²⁴ NAS GD 158/965, fol. 196; Fraser, Annandale, 196-197.

Having enjoyed considerable success in the east, the address made steady progress north during December and January. Tullibardine presented it in Stirling, where he received the assistance of the sheriff depute, Polmaise and the laird of Bannockburn. Despite their initial agreement, ‘...the magistrats scrupled to signe that petition because it wanted the word burgesses, and it seems they think themselves not gentlemen...’⁷²⁵ Tullibardine suggested they simply produce another beginning ‘...we magistrats, town council, and burgesses...’, keen to have their concurrence before the arrival of John Erskine, sixth earl of Mar, concerned that ‘...having greater interest in that place, if he were there its like wold obstruct it...’⁷²⁶ This statement is comparable to those made in relation to successful court converts in the former Parliament. In this instance it was expected that Mar would carry Stirling because of his traditional influence, something Tullibardine was eager to undermine. In a similar manner he wrote to Hamilton advising him to contact George Gordon, first earl of Aberdeen, ‘...who has interest with his neighbours...’, informing him that he had already done the same with the lairds of Grant and Brodie in order ‘...to perswade them not only to signe but to use their interest with others...’⁷²⁷ It is obvious that local influence was as significant a factor in ensuring the success of the national address as it was in conditioning regional politics. In this respect it is no surprise that Tullibardine enjoyed almost total success in Perthshire, where he combined eight days spent at the justice court with gathering subscriptions. He observed that ‘...many of the considerable gentlemen have signed except some foolish jacobittes...’, and all the burgh officials with one exception.⁷²⁸ Similarly, Tweeddale mentioned that the address was making its way through Angus, further reporting the arrival of a copy from Teviotdale, where the en-

⁷²⁵ NAS GD 406/1/4442.

⁷²⁶ NAS GD 406/1/4442.

⁷²⁷ NAS GD 406/1/4442.

⁷²⁸ NAS GD 406/1/4441.

deavour had met with better success than anticipated, endorsed with over sixty signatures.⁷²⁹ Further north Hamilton employed Marischal to oversee the address in Kincardine and Aberdeen. However, on discovering some confusion concerning the commission intended for Grant he carried the manuscript into Inverness, where immediately after reading the proclamation the burgh council unanimously signed the address. He stated ‘...I had better success in that country than I expected being a stranger in it, all the gentry of any noth have signed, and I was refused by none save Brodie, who I am told hid himself some days for fear of meeting with me...’⁷³⁰ Marischal reported almost complete success in the north, indicating that the burghs of Cullen, Banff, Forres, Nairn, Elgin and Inverness had all signed. He had formerly expressed concern over Cullen ‘...for its my Lord Seafields however I got them to do it, tho his polittique father had held forth against me...’⁷³¹ Perhaps this had something to do with a suggestion that Marischal was accompanied by a brother of Seafield, but this has yet to be substantiated.⁷³² This apart, he had high hopes of success in Aberdeen, which he proposed to visit in the next few days, ‘...and for the Mearns I make no question of ther following my exampl...’⁷³³ The comprehensive coverage in the north is further illustrated by a letter to Hamilton from James Sutherland, second lord Duffus, who wrote the address ‘...hes been at the furthest place in Caithness as your grace will perceave by John Grot subscription...’⁷³⁴ Local jurisdiction proved impor-

⁷²⁹ NAS GD 406/1/4362; NAS GD 406/1/4546/1; NAS GD 158/965, fol. 211-212.

⁷³⁰ NAS GD 406/1/4672; NAS GD 406/1/4489; NAS GD 406/1/4490; NAS GD 406/1/4502. Ludovic Grant of that ilk later wrote that ‘...Earle of Marishall sent me ane double of the address er he went to Murray, but he have gone ther himself and to this shyr of Invernes gott all the persons of note to syn it so ther was nothing left for me to doe unles it was to gett mens hands to it I judged not worth the seeking...’

⁷³¹ NAS GD 406/1/4672; NAS GD 406/1/4569. Roderick MacKenzie, secretary of the African company, confirmed Marischal’s report, observing that ‘...there is scarce a man of note or consideration in all the shires of Inverness, Nairn, Murray or Bamff but what have sign’d it, and likewise all the magistrates of burghs, town-councils and incorporations in all those shires...’

⁷³² NAS GD 406/1/4546/1.

⁷³³ NAS GD 406/1/4672.

⁷³⁴ NAS GD 406/1/4497.

tant in determining the extent of the national address, but it is apparent that residence was an almost essential prerequisite.

Nevertheless, the address was not an immediate success in the west, where the court made a concerted effort to stop it. The initial design was to secure the cooperation of Glasgow before carrying the document into Ayrshire and Galloway. On 8 January, Sir John Cochrane of Ochiltree wrote to Hamilton informing him that he had obtained the use of ‘...a convenient roome at the crosse wher [the address] is to be sein and one to attend constantly upon it, and just now I am going ther, I expect the most substantiall merchants in toune will sygne this morning...’⁷³⁵ Likewise, Hamilton informed Tweeddale that ‘...our Clisdall gentlemen...’ had signed, reporting that David Stewart of Coltness, the advocate’s nephew had refused, but his brother-in-law William Stewart of Allantown had concurred.⁷³⁶ However, in Glasgow subscription had ground to a halt after the provost, John Anderson of Dowhill, member of Parliament for the burgh, arrived from Edinburgh.⁷³⁷ Hamilton recognised that it was imperative to have ‘...everybodie out that can have any influence upon Glasgow and lett us all renew our zeall and begin to push it forwards...’, apparently writing to Stair’s brother-in-law, the master of Cathcart, as part of the process.⁷³⁸ This seems to have had the desired affect, for on 14 January, Ochiltree reported that he had prevailed with several of the most considerable merchants, adding ‘...I could have gott severall hundreds of the trades to have signed yesterday but wee thought it better to ingage all the merchants wee could gett and then to take in the trades...’⁷³⁹ Nonetheless, Hamilton had already resolved to participate in the campaign himself, going west for the funeral of his

⁷³⁵ NAS GD 406/1/4548.

⁷³⁶ NLS 7104/18; NLS 7104/19.

⁷³⁷ NLS 7104/19; NLS 7104/17; NLS 7104/22.

⁷³⁸ NLS 7104/18; NLS 7104/17.

⁷³⁹ NLS 7104/17.

cousin, Lord Kennedy.⁷⁴⁰ The funeral was a popular feature of seventeenth century political life, as the greater part of the local elite was almost guaranteed to be in attendance. In this respect it proved an ideal opportunity for electioneering or in this instance gathering signatures. Hamilton observed ‘...I must not doubtt most of the shire of Aire will signe itt but Kilburny was not at the buriall which was fare from what he promised for no bodie seemed so eagar for the carieing itt on as himself...’⁷⁴¹ His absence cannot be explained, but John Crawford of Kilbirnie proved an active member of the country party in Parliament, and was apparently their chosen lieutenant in Ayrshire, where as suggested, the address enjoyed considerable success. In Ayr, despite the opposition of Provost John Muir and the burgh magistrates, several of the merchants and one of the bailies signed, while it was recorded that in Carrick ‘...not one of the gentlemen refused it...’⁷⁴² Hamilton concluded his sojourn by sending the address into Wigtownshire, writing to James Stewart, fifth earl of Galloway ‘...and som others in that shir to lett them know how weel it went in thir borders and hop’t it would have a good effect amongst themselves...’⁷⁴³ In conclusion, after a slow start the national address in the west had much the same impact as elsewhere in the country. Likewise, it was executed in a similar manner, members of the country party being deputed to carry it through their own locality. However, one interesting aspect of the campaign in the west was the apparent use of propaganda. On 15 January, Hamilton wrote to Tweeddale encouraging him to have two thousand copies of the pamphlet ‘...Propositions relating to Caledonia and the Nationall Address...’ printed, five hundred to be sent to Glasgow, and another five hundred to be delivered to the duke for

⁷⁴⁰ NLS 7104/20; NLS 7104/21.

⁷⁴¹ NLS 7104/23.

⁷⁴² NLS 7104/23.

⁷⁴³ NLS 7104/23.

distribution in Ayr.⁷⁴⁴ Three days later he received two hundred copies from Roderick Mackenzie, company secretary, ‘...to be dispos’d of as his grace my lord duke shall think fitt...’ In addition, Mackenzie recommended that the best means of circulation would be to give them to the people that sell the pamphlets.⁷⁴⁵ It is difficult to estimate the impact these may have had, but the fact that the opposition employed this medium, implies a significant amount of sophistication.

This apart, the opposition began to make provision for the presentation of the address. In January, Hamilton had expressed the wish that Tweeddale should be given the responsibility, but by the end of February it is apparent that he had also approached John Hamilton, second lord Belhaven.⁷⁴⁶ Pleading ill health, the latter declined the recommendation, but to compensate offered some useful advice. He emphasised it was necessary that the King was aware the address came ‘...not from a club of Jacobites and villans as hath been represented bot from persons of honour and worth, trew and faithfull subjects to his majestie and government...’, adding that whoever was chosen should be bold, always a practical maxim at court.⁷⁴⁷ Finally, it was settled at the beginning of March, that Tweeddale, Sir John Home of Blackadder and John Haldane of Gleneagles would present the address. The decision came as something of a surprise to the court, as the Parliament had been adjourned by proclamation of the Privy Council on 16 January, and was now due to meet on 14 May, satisfying the demand of the address.⁷⁴⁸ Marchmont only received notification of their intention early

⁷⁴⁴ NLS 7104/22; *Carstares SP*, 597. There is comparable evidence that the court used printed propaganda. On 8 August 1700, Carstares received a letter from [John] Hodges, who asked his help in obtaining an allowance of three hundred pounds for writing ‘...in defence of the government in the affair of Darien...’

⁷⁴⁵ NAS GD 406/1/4569.

⁷⁴⁶ NLS 7104/20; NAS GD 406/1/4500.

⁷⁴⁷ NAS GD 406/1/4500.

⁷⁴⁸ NAS PC 1/52, fol. 59-61

in the morning 5 March, when he was visited by Tweeddale and Gleneagles, then on route to London.⁷⁴⁹ It was rumoured that Thomas Hay, first viscount of Dupplin, Sir John Houston of that Ilk, and Patrick Murray of Livingstone, were also to participate in the presentation, but nothing has been discovered to substantiate this.⁷⁵⁰ Nevertheless, on Monday 25 March, the delegation was admitted to the bedchamber at Kensington, and introduced to the King by the secretaries. Tweeddale informed the King that ‘...they were come in a humble manner (after they had all kist his hand) to present a petition from his Majesties subjects of Scotland in a matter they considered to be of the greatest importance...’ The King agreed to hear the petition which Sir John Home read, answering ‘...My Lord I suppose you know that I have ordered the sitting of the Parliament on the 15 May, and it can not possiblie meet sooner, and therefore I think you might have spared this trouble...’ Making to leave, Sir John Home interrupted, asking that the King consider the address not simply as a petition for Parliament, but as evidence of ‘...the sentiment and concern of the nation for the Indian and African Companie...’ The King purportedly replied that ‘...that would be knowne in parliament...’⁷⁵¹ However, the predictable reception of the national address was not as significant as the preparation. The progress of the manuscript was impressive, comprehensive and coordinated, facilitated by the local jurisdiction of those deputed to deliver it. Likewise, the address demonstrated the general enthusiasm for the colony among an impressive number of noblemen, gentlemen and burgesses – the established political community. The level of effort and organisation this entailed suggests the country party was far more than the disgruntled faction identified by Riley. The government was by in large helpless against the address, the proclamation rendered ineffective by its authoritarian overtone. It is interesting to note the fact that the court fre-

⁷⁴⁹ NAS GD 158/965, fol. 241-243.

⁷⁵⁰ Seafeld, 283.

⁷⁵¹ NAS GD 406/1/4592; Fraser, Annandale, 203.

quently referred to the unprecedented means by which signatures were collected. With regards the method used to procure subscription, the most obvious precedent was set by the national covenant, although the content and purpose of both was entirely different. The address was limited to the political elite, never designed to be national in the widest sense, and there was apparently no attempt to associate it with the former, but to an extent it had a comparable affect, politicising, in this instance the majority of the electorate.⁷⁵² It was in this respect that the address was a success, a fact recognised by Tullibardine who remarked ‘...the address has been received as favorable as could be well expected, it depends now on the parliament...’⁷⁵³

⁷⁵² K. M. Brown, Kingdom or Province? Scotland and the Regal Union, 1603 – 1715, (London, 1992), 113-114.

⁷⁵³ NAS GD 406/1/4625.

CHAPTER 6

‘...Willful Willy wilst thou be willfull still...’⁷⁵⁴ – Court and Country 1700 – 1702

The Evolution of Party Politics in Scotland – Part II

Following the formal presentation of the national address preparation began for the forthcoming eighth session of Parliament. Originally to meet in March, the session had been adjourned in January and scheduled to sit on 14 May.⁷⁵⁵ Since the former session ten shire and four burgh seats had been vacated, primarily due to the death of the incumbent commissioner. Each available place presented an obvious opportunity for the court and country parties to strengthen their position in Parliament. This contributed to a period of electoral contest during which even the most routine by-election was of considerable significance. The court seems to have taken the initiative, for the earliest located reference relative to this period concerns Marchmont and the burgh of Kirkcudbright. In January he had written to the magistrates desirous of a seat for his son. He wrote ‘...you will receave this from the hands of the laird of Auchin-hay my good friend and neighbour, who is come thither at my desyre and upon my account and who will acquaint you of the particular request which I have to you, about which he is himselfe very well satisfied, if you please to do me that kindness in favors of my son, I will take care that he answers to his duetie towards you and all your concerns, it will be ane obligation upon me to doe you all the good offices and services which may be in [my] power...’⁷⁵⁶

In terms of method and content this letter is comparable to those sent by the earl during his preparation for the former session. On that occasion Marchmont asked that

⁷⁵⁴ Carstares SP, 539, 541, 543.

⁷⁵⁵ NAS PC 1/52, fol. 59-61.

⁷⁵⁶ NAS GD 158/965, fol. 228-229.

each correspondent use his regional influence to secure a vacant seat for his disposal. In this instance, although notice was given directly to the burgh, it was delivered by one of the local gentry who was described as ‘...very well satisfied...’ with the proposal. His role in obtaining the commission is unknown, but his presence suggests that this example is consistent with those formerly identified. Similarly, some attention should be paid the fact that, as formerly, in return for the commission Marchmont was required to accept an obligation. Political management could be relatively straightforward, but success was seldom achieved without incurring some form of debt. However, by the end of February, Marchmont received word that the burgh had chosen his fourth son, Sir Andrew Home of Kimmerghame, as their new commissioner. In recognition he wrote ‘...you may be assured that I will be much concerned that he performe his dutie faithfullie and diligentlie in the trust which you have put upon him, and seeing the kind esteem you express of me has been one motive to your making chose of him, I am the more engaged to doe you all the good offices that may be in my power...’⁷⁵⁷ Nevertheless, unaware of this prior arrangement, Kirkcudbright was also attracting the attention of Hamilton. On 30 March, he had received information from David Stewart of Physgill, who himself was keen to secure a commission for Whithorn, ‘...that ther are commissioners vacant for two burghs in Galloway, Kirkcudbright and Whythorne, the former by the death of the last commissioner the other by his not giving the associatione...’⁷⁵⁸ This was of some interest to the duke who sought a place for his younger brother Lord Basil, then on company business in London. Having married Mary Dunbar, heiress of Baldoon, a considerable estate near

⁷⁵⁷ NAS GD 158/965, fol. 249. In parliament there were some objection over the qualification of Home’s electors, but his commission was upheld.

⁷⁵⁸ NAS GD 406/1/4584; NAS PA 7/25/99/10. David Stewart of Physgill younger received a commission for Whithorn on 17 April 1700. Whether or not he received it on the strength of Hamilton’s influence, as his letter suggests is uncertain, but in this instance the commission was rejected on the grounds that the former commissioner, Patrick Murdoch of Cumloden, had since qualified himself.

Wigtown, it was felt that ‘...if Lord Basil were at home he might influence both thir electiones especially that of Kirkcudbright, and I doubt not bot if his Lady wod wreat to Thomas Alexander and Maxwell of Munches to deall with the counsell of Kirkcudbright they wold get a commission wryt to Lord Basil or one of his frinds...’⁷⁵⁹ In conclusion, the observer, confident of success, added that ‘...it will be remembered that if commissiones come from these burghs in Galloway, they wold also send bur-gess tickets to the commissioners, for without that ther commissiones will be re-jected...’⁷⁶⁰ Evidently the politicians of the Revolution era were aware of the basic premise, that if a non-resident was to secure a burgh seat, it was necessary to maintain at least some semblance of legality. However, this sound advice proved futile, the Lady Mary acknowledging that ‘...she [knew] not how to writ to any in Galloway in that matter of the elections...’⁷⁶¹ In any case, Hamilton was obviously aware of the actual situation by the beginning of May, when he wrote to the former solicitor general, Sir Patrick Home, asking him to intercede with the chancellor on his behalf. Home replied that Marchmont ‘...could not endeavour to persuade his son to give up that commission seing he had already accepted of it and it was publickly known, if this had been signified to him before, his sone should not have accepted of it, but as the mater now stands he can not doe it, but he is sure that his sone will serve honestlie and with our regaird to the interest of our King and countrie as any other who could be intrusted in that burgh...’⁷⁶² This rather amiable reply is of some significance, for whether any real effort was made to persuade Kimmerghame to relinquish his claim or not, it appears that Marchmont, aware that most of his ministerial colleagues would

⁷⁵⁹ NAS GD 406/1/4584.

⁷⁶⁰ NAS GD 406/1/4584.

⁷⁶¹ NAS GD 406/1/4603.

⁷⁶² NAS GD 406/1/4775.

rather have him replaced, was not prepared to completely distance himself from the country opposition.

Nevertheless, in practical terms nothing had been achieved, the design to secure a place for Lord Basil being no closer completion. Sir Patrick Home suggested that Hamilton turn his attention to the east coast burgh of Linlithgow where ‘...the difficultie will be if that toun can choyse a commissioner presently, seing their former commissioner is still alive bot has onlie taken himselfe to the ministerie which has rendered him unfit to be a member of parliament...’⁷⁶³ Home was concerned by the fact that as the former commissioner William Higgins was not dead, there was technically no vacancy, and therefore no warrant to elect a replacement. In this respect, Tulibardine had already expressed some concern, warning that the Linlithgow commission ‘...would prove too late...’⁷⁶⁴ In fact there was no new commission issued by the burgh until 28 May, seven days after the eighth session of Parliament first met.⁷⁶⁵ However, it is debateable whether Hamilton was ever totally committed to this project, despite having assured his mother that he would meet John Hamilton, first earl of Ruglen, to discuss the matter of a commissioner for the burgh. His brother assured him that he could ‘...freely take his assistance therin...’, the duchess adding that Ruglen ‘...will aggrie with yow for any good man yow propose, and is a considerable heretor, and has influence in the place...’⁷⁶⁶ Regardless of this assessment, Hamilton was less confident, suggesting his brother ‘...depends upon having a greater intrust in that election than he will finde...’⁷⁶⁷ In fact the latter proved a reasonably accurate assessment. The burgh returned Walter Stewart of Pardovan, a former provost, who

⁷⁶³ NAS GD 406/1/4775.

⁷⁶⁴ NAS GD 406/1/4625.

⁷⁶⁵ NAS PA 7/25/80/12/1.

⁷⁶⁶ NAS GD 406/1/4591.

⁷⁶⁷ NAS GD 406/1/7845.

despite supporting the country party for a brief period after election, was a convert to the court by the ninth session of Parliament. Beyond preliminary discussion, there appears to have been no concentrated effort to push Lord Basil as commissioner for Linlithgow, and it is uncertain whether Pardovan was ever deemed a country candidate. Nonetheless, there is enough evidence to suggest that the vacant seat was at least considered as an objective.

In addition to the above, similar electoral activity is apparent in Roxburgh where, in a letter dated 11 April, Hamilton encouraged Sir Patrick Scott of Langnewton and Ancrum to stand for the vacant shire seat. Scott was an experienced parliamentarian, having already served as commissioner for the shire in the previous and current Parliament. Besides, in March 1696, he had subscribed one thousand pounds to the Darien scheme, making him an obvious choice as opposition candidate.⁷⁶⁸ However, he had been fined for absence from Parliament and his seat declared vacant in 1693, probably on account of his attachment to the Episcopalian faith. This would certainly explain his decision to decline the opportunity for potential re-election. He wrote to Hamilton ‘...I would have your grace know that [there are] few att pretends suffrage in our elections butt such as for the most part were vassells to bishopes and now hold of the King or of the smaller heritors, and both so much directed by our clergie, that if the present circumstances of our nation were more prevalent with me then the grounds my former sentiments were founded upon, yett it is not in my power or my frinds to gett me now chosen...’⁷⁶⁹ The role of the church in contemporary local politics has received little consideration. It has been established that the majority of commissioners elected at the revolution were Presbyterian, but with no equivalent church hierarchy

⁷⁶⁸ J. H. Burton, (ed.), *The Darien Papers*, (Bannatyne Club, 1849), 386.

⁷⁶⁹ NAS GD 406/1/4710.

then in existence, it is difficult to illustrate the direct influence of the clergy. Nevertheless, there was a further factor that influenced Scott's decision. He wrote to Hamilton, reporting that Archibald Douglas of Cavers, heritable sheriff of Teviotdale, had expressed an interest in the vacant seat, and he '...hes the church on his side and those freeholders att his devotion'.⁷⁷⁰ However, Scott was positive that despite the fact Douglas held '...publick office and is kinsman to the Duke of Queensberrie, yett hitherto hes acted and att present appears so very forward for the contrie and companie, that I am persuaded he will behave as a treu patriott, and to make him or any other that shall be elected the more sure and firm, I shall by myself and others endeavour to prevaile with his constituents to give him instructions relative to both...'⁷⁷¹ This later comment is interesting in adding to our knowledge of the relationship between commissioner and electorate, but of more immediate significance is the fact that Douglas can be considered representative of the court. It is uncertain whether Cavers was directly approached by James Douglas, second duke of Queensberry, but considering the method practised by both Marchmont and Hamilton, it would be surprising if he did not employ a similar tactic.

Likewise, Tullibardine was making a concerted effort with regards shire seats in Dumbarton, Stirling and Clackmannan, only one of which was then actually vacant. The first he designed for his distant relative, John Haldane of Gleneagles, whose political career bore some resemblance to that of Ancrum.⁷⁷² In the Convention he was chosen as a commissioner for Perthshire, but twice fined for non-attendance and his

⁷⁷⁰ NAS GD 406/1/4710.

⁷⁷¹ NAS GD 406/1/4710.

⁷⁷² Haldanes, 96. Tullibardine's father, John Murray, first marquis of Atholl, was the second cousin of Mungo Haldane of Gleneagles, John Haldane's father. The families seem to have been closely associated, illustrated by the fact that on 23 August 1681, Mungo Haldane had carried the banner of the earl of Tullibardine at the funeral of the duke of Rothes.

seat declared vacant in 1693 on account he had not subscribed the assurance.⁷⁷³ Nonetheless, as a director of the company and one of the delegation who presented the national address, Haldane was another whose presence in Parliament would prove beneficial to the opposition. One of the two Dumbarton commissioners, William Colquhoun of Craigtoun, had not attended Parliament since 1693, being excused on account of his indisposition. For Haldane to succeed he must have held sufficient land in the shire to comply with legal precedent, however Tullibardine found it impossible to persuade Colquhoun to demit.⁷⁷⁴ This was the second attempt to have Haldane re-elected in as many months, Yester having already failed to obtain the Kilrenny burgh seat on his behalf. It seems that Sir Patrick Home, the former solicitor general who had assisted Hamilton in his attempt to secure Kirkcudbright, had also expressed an interest in this seat.⁷⁷⁵ Nevertheless, despite the fact that Kilrenny had been unrepresented in the previous two sessions, the incumbent commissioner, Alexander Stevenson, was still their official representative. It was not until Parliament issued a warrant for a new election in Dumbarton, due to the fact that Colquhoun had not signed the association, that Tullibardine found it possible to conclude the matter, Haldane receiving a commission from the shire on 30 May 1700, arriving too late for him to participate in that session.⁷⁷⁶ Tullibardine had an almost identical problem in Stirlingshire, where an attempt was made to convince Alexander Napier of Culcreuch to relinquish his place. Napier had last sat in Parliament in 1693, but at the beginning of May, Tullibardine was informed his intention was to attend to the next meeting in person, reporting that ‘...he publicly said he will goe in if he should be carried on a barrow, whether he be

⁷⁷³ *Ibid.*, 103. In a letter to Tullibardine dated 30 June 1698, Haldane explained ‘I do achnowledge that I am so litel fond of oaths as not to be desyrous to taik ane mor nor what I am alreadie ingadged in’.

⁷⁷⁴ NAS GD 406/1/4616.

⁷⁷⁵ NAS GD 406/1/4723.

⁷⁷⁶ NAS GD PA 7/25/12/9.

sincere I kno not...'⁷⁷⁷ Nevertheless, this provision was superfluous as the ailing Napier was dead by the end of the month, the freeholders choosing Sir John Shaw of Greenock – a firm supporter of the opposition – in his place.⁷⁷⁸ Similarly, Tullibardine enjoyed comparable success in Clackmannanshire, which had been unrepresented since the expulsion of David Bruce of Clackmannan in 1693. There, he threw his support behind the election of Sir John Erskine of Alva, Bandeath and Cambuskenneth, Sir John Haldane's brother-in-law. Following a conversation with Haldane, he wrote to Hamilton stating that '...as for Clackmannan shire, [Gleneagles] thinks Ava will certainly be preferred to any, and we cannot be better there...'⁷⁷⁹ This proved an accurate assessment, Erskine being elected commissioner for the shire on 28 May, taking his place in Parliament prior to the rather abrupt adjournment.⁷⁸⁰ On the whole, the success of the opposition in Dumbarton, Stirling and Clackmannan, proved representative of the whole electoral campaign. Of the ten shire by-elections in this period the country party carried eight, while in the burghs they took two of the four available places.⁷⁸¹ This was confirmed by Melville, who following Parliament, observed '...the vacant places in parliament are filled up entirely (as I hear) with men to their mind, such as Glenney is, for Dumbarton, and the like'.⁷⁸² In securing these seats regional influence undoubtedly played an important part, the opposition strategy resembling the method employed to circulate the national address. It is evident that a potential prospect was determined and directed by the combined local jurisdiction of, in this instance Tullibardine, and probably George, fourteenth earl of Sutherland in the north,

⁷⁷⁷ NAS GD 406/1/4769; NAS GD 406/1/4616.

⁷⁷⁸ NAS PA 7/25/32/16.

⁷⁷⁹ NAS GD 406/1/4616.

⁷⁸⁰ NAS PA 7/25/9/10.

⁷⁸¹ Renfrew chose Mr. James Campbell of Burnbank and Boquhan, brother of Archibald Campbell, tenth earl of Argyll. It is as yet uncertain, but is probable that Argyll obtained the seat for his brother in a similar manner to that described above.

⁷⁸² *Carstares SP*, 515.

Tweeddale, Yester and John Leslie, fourth lord Lindores⁷⁸³ in the east, and Hamilton in the southwest. Likewise, the court interest was active in a similar manner, their limited success attributable to Queensberry in the south, Argyll in the west, perhaps Anandale in east, and Marchmont in the southwest. However, the above model is dependent on surviving correspondence, and may well have included several additional branches, as yet unidentified. Nevertheless, it is possible to produce a relatively comprehensive analysis of a previously unidentified electoral campaign. This was coordinated by the court and country hierarchy, and determined primarily by traditional local jurisdiction, although as identified in 1698, the limit of accepted influence was often extended as party leaders broadened their approach, governed by the location of available places, evidence of the significance attached to these elections.

It is of some interest that throughout this period not only vacant seats were considered legitimate targets, the place of any commissioner who had been absent for some time likely to be contested. This tactic has been associated with the opposition, but was also employed by the court. On the 1 April 1700, lord Strathnaver, whose father Sutherland had been allied with the opposition since the former session of Parliament, replied to James Ogilvie, third earl of Findlater, explaining ‘...ther is none wold be prouder of ane occasion of serving you then myself, as to the choosing of a burgess for the toun of Dornoch. I have written to my Lord Seafeld, who understands law to perfection, to know whither or not the thing can be done legaly, ther being a member existing who is choosen and hes not demitted’.⁷⁸⁴ In this instance, the serving com-

⁷⁸³ NAS GD 406/1/4601. On 26 March 1700, Lindores wrote to Hamilton informing him that he had received word that the commissioner for Cupar, Sir Archibald Muir of Thornton, was dead, ‘...and we ar doing all we can to persuad the toun counsell to put in an honest man in his place...’ In this instance, the report was inaccurate, but there seems no reason to doubt that Lindores was active in Fife local politics.

⁷⁸⁴ Seafeld, 285.

missioner, John Anderson of Westerton, had never missed a session of Parliament since his election in 1693, and it is uncertain why his lawful commission should be unsuccessfully pursued. It seems Findlater was eager to acquire a place for his nephew, Sir Alexander Ogilvie of Forglen, and it is probable that with only one seat available in the far north, he had resolved on a more proactive approach. Nevertheless, despite this disappointment, Seafeld, who had begun preparation for Parliament several months earlier, seemed reasonably satisfied with his progress. In August 1699, he wrote to Carstares from Cullen reporting that ‘...I have had all the parliament-men of the three neighbouring shires here, and I can assure you we have lost no ground amongst them...’, mentioning that Alexander Duff of Braco, member for Banffshire, had agreed to adjust his allegiance in return for an annual pension of two hundred pounds.⁷⁸⁵ By the beginning of May 1700, with Parliament due to meet on 21 of the month, Seafeld began to make final arrangements. He advised his father Findlater, that he expected his attendance, recommending that ‘...it is better to be over a day or two sooner as to miss to be at the electing of the committees’. In addition, he noted ‘...I wish that our Banffshire commissioners may come up also about that time, and I hope they will not determine themselves in any thing untill they speak with me...I also expect that Provost Stuart will come along with your lordship, or at least about that time...’⁷⁸⁶ There is little doubt how Seafeld expected those representing Banff to perform in Parliament.

Concurrently Hamilton was approaching absent and sympathetic noblemen in an attempt to bolster his support. On 18 March 1700, he received a letter from John Leslie, fourth lord Lindores that described a meeting with Robert Balfour, fourth lord Bur-

⁷⁸⁵ Carstares SP, 492-493.

⁷⁸⁶ Seafeld, 287-289. Provost Walter Stewart, commissioner of parliament for Banff.

leigh. He wrote ‘...according to your commands...I cale[d] at burle as I went home and I spoke to my lord who was soray the paine of the gout would not alou him to wait on your grace bot he structs me he will be at parliament and doe what lays in him to serve his cuntry and no father in law shall bayas him...’⁷⁸⁷ Burleigh was Melville’s son-in-law, and one of the clique that opposed the court in the former session, but in contrast to the rest of his interest, Burleigh remained committed to the opposition in the short term. Hamilton had less success with John Murray, first marquis of Atholl, and William Murray, lord Nairn. Tullibardine agreed that he would ‘...doe what I can with my brother Nairne, but for my father I am positive we should not desire him for itt’s too probable we may bring a staff to breake our own heads...’⁷⁸⁸ Neither attended the Parliament, the Jacobite Nairn because of his conscience, while Atholl excused himself on account of his recent poor health, and the ‘...late dangerous sicknes...’ of his wife.⁷⁸⁹ Hamilton’s uncle, John Kennedy, seventh earl of Cassillis, who had been absent the previous session, made a similar excuse, but appeared in Parliament where he joined the opposition.⁷⁹⁰

Initially, the court seem to have been confident of success in the eighth session of Parliament.⁷⁹¹ Likewise, Tullibardine was apprehensive, concerned ‘...that what Duke Queensberrys friends give out of their frankness for Caledonia is designed to take off our edge, or at least grant us something that is not worth the getting...’⁷⁹² In addition to this calculated alteration in the court attitude toward the colony, it was rumoured that Seafield had come north in January with twelve thousand pounds, ‘...to betray us

⁷⁸⁷ NAS GD 406/1/4498.

⁷⁸⁸ NAS GD 406/1/4625.

⁷⁸⁹ NAS GD 406/1/4751; NAS GD 406/1/4767; *Carstares SP*, 391. Both Atholl and Nairn had been brought to Edinburgh for the former session, but neither attended.

⁷⁹⁰ NAS GD 406/1/4736.

⁷⁹¹ NAS GD 406/1/7291.

⁷⁹² NAS GD 406/1/4617.

at home after he has sold us abroad...'⁷⁹³ However, the only evidence supportive of this claim was the annual pension of four hundred pounds sterling granted to Whitelaw.⁷⁹⁴ For the opposition, this proved a source of considerable irritation. Tullibardine could not believe that Whitelaw had accepted the gift, considering what had previously occurred, advising Hamilton that they '...make the best of it we can, and not appeare to be so much dissatisfied with him as we have reason to be...'⁷⁹⁵ Similarly, Ruglen agreed to deal with Whitelaw to ensure '...that he would still continue a friend to the country which he must show now more than ever as the only way to continue his honour and reputation...'⁷⁹⁶ From this point, although Whitelaw maintained a superficial allegiance to the opposition, he was never as prominent in their cause. Nevertheless, in contrast to the external confidence of the court, the private instructions sent by the King to his commissioner, James Douglas, second duke of Queensberry⁷⁹⁷, paint a different picture. The commissioner was advised that '...if you cannot obtain eight moneths cess or one equivalent subsidy, we impower you to accept of six moneths cess towards the maintaining of the forces'. In addition, provision was made for the worst scenario pertaining to Caledonia. Queensberry was told that '...if the parliament does insist to have the priviledges of the Company trading to Affrica and the Indies ratifyed and prolonged, or if they endeavour to declare and assert the settlement of the colony in Darien to be according to our treaties and the act of parlia-

⁷⁹³ NAS GD 406/1/47771; NAS GD 406/1/4778. In comparison, rival propaganda stated that the French '...have advanced a great soume of money to the late King James, tis said 40000 Pistoles, and making a tool of him, as they have since the last peace, they have by their emissary's persuaded him to send the greatest part of it into Scotland to disperse amongst members of parliament and others, to encourage them obstinaty to support the Caledonian Collonie...'

⁷⁹⁴ NLS 7036/126; NAS GD 158/965, fol. 260.

⁷⁹⁵ NAS GD 406/1/4624.

⁷⁹⁶ NAS GD 406/1/7669.

⁷⁹⁷ NAS GD 158/965, fol. 250, 254, 257. Marchmont received word that Queensberry had been chosen as commissioner at the beginning of April 1700. It seems he also had designs on that position, writing to the king near the end of March, advising him that he still had interest with many members of parliament. In a contemporary letter to Seafeld he suggested that to ensure success in the coming session, the king should '...drive the nails in the old holes as our proverb is...'

ment in there favours, you must let our officers of state or such others of the parliament as you can trust, know that wee doe expect that they will concurr with you that no such act be passed now'.⁷⁹⁸ It is obvious that from the outset the court expected a difficult session.

The estates sat on Tuesday, 21 May 1700, the King's letter informing them of their main reason for meeting.⁷⁹⁹ This emphasised the need for an adequate supply considering '...the breaking out of war in some places of Europe, the great arming by sea and land, the uncertain state of the publick peace, and the continued designs of our enemies both at home and abroad...'⁸⁰⁰ Despite expressing regret that the nation's trade had sustained a loss, there was no mention of Caledonia. Similarly, both the speeches of the commissioner and chancellor concentrated on the benefits the Revolution had brought Scotland, Marchmont including a reference to the north and '...these worthy persons who then bore the burden and endured the heat of the day...' – perhaps an attempt to appease the region which had been most active in its support of the national address. Business began on 24 May, when it was moved by Tullibardine and Sir John Home of Blackadder, that being a national concern, the house should proceed to consider Caledonia. In response, Adam Cockburn of Ormiston, the treasurer depute, proposed that religion should take precedence. The later motion was preferred

⁷⁹⁸ *Company of Scotland*, 208-209.

⁷⁹⁹ NAS PC 1/ 52, fol. 98-99. Parliament met in the wake of a fire that raged through a large part of Edinburgh. On 15 May 1700, the Privy Council '...having considered the difficulty and the straineness of the passage or entry from the high street to the parliament closs by reason of the great heaps of rubbish that are lying therein They heirby require and ordain the magistrats of Edinburgh to cause make clean the said common passage or entry from the High street into the said parliament closs betwixt and the twenty ffirst day of May instant That the parliament meet and that they cause make the same also wyde and large as conveniently can be done...and appoints the magistrats to cause the fore and back doors both of the new and ol Churches to be kept constantly open from morning to night during the session of parliament for the greater conveniency of the members to goe and come to and from the parliament house...'

⁸⁰⁰ *APS*, X, 191.

but with the proviso that the colony would be the next business discussed.⁸⁰¹ This settled, the house elected their ordinary committees, which were similar to those chosen the previous session. However, in this instance, although the court secured the nobility, their former majority in the burghs was less apparent.⁸⁰² In the next sederunt, Parliament resumed deliberation of religion. Sir James Stewart of Goodtrees introduced an act for ratifying all laws in favour of the Protestant religion and Presbyterian Church government, another for preventing the growth of Catholicism, and a third for suppressing immorality. Seizing the opportunity the opposition went on the offensive, proposing excessive legislation in addition to that offered by the court. Lord Whitelaw moved that all acts against Presbytery should be rescinded, particularly that concerning the King's power to dissolve the general assembly. John Hamilton, second lord Belhaven was in favour of ratifying the laws against Popery, and '...establishing the Presbyterian government as founded on the word of God...' Likewise, Sir William Anstruther argued that it should be considered high treason for any to advise the King to alter church government.⁸⁰³ Nothing resolved, the business was remitted to the committee for security of the kingdom. It was then proposed that Parliament should proceed to consider the representation and petition of the company. This asked that Parliament support and protect the privileges of the company, take effective action for repairing their losses, and essentially that they would assist them in establishing their legal right and title to the settlement of Caledonia.⁸⁰⁴ This was immediately followed by a series of petitions from the shires of East Lothian, Roxburgh, Lanark, Stirling, and Perth, and the burghs of Haddington, Cupar and Dunbar, all in favour of the company and several for relief from the current establishment. It is obvious that the oppo-

⁸⁰¹ Crossrig, 3; APS, X, 193

⁸⁰² Riley, King William, 136.

⁸⁰³ Crossrig, 5.

⁸⁰⁴ APS, X, 193.

sition prior to Parliament contrived these. For example, on 17 May, Tullibardine had written to Hamilton, informing him that he had begun a petition in Perthshire, adding that ‘...since it is signing in this shire, it will be very inconvenient if several other shires doe not the same, it will otherwayes be thought that it is not the inclinations of the rest...’⁸⁰⁵ Hamilton also approached Cassillis in an attempt to obtain a similar representation from Ayrshire, but on 20 May, he replied that ‘...the time is so farr spent that it were not fitt for me to call anie meeting of the gentlemen of the shire whill parliament is sitting...’⁸⁰⁶ Nonetheless, there was considerable support for this undertaking. The Perthshire document was endorsed with over two hundred signatures, the Stirling petition with seventy, Roxburgh with thirty-eight, and East Lothian with forty-two. Pressing the advantage, Hamilton emphasised, ‘...that seeing no Scotsman would be against the Company...’, there should be a resolve of Parliament recognising Caledonia as a legal settlement in the terms of the former act of Parliament.⁸⁰⁷ The chancellor, almost certainly aware that this measure was contrary to the King’s instructions hastily adjourned the meeting. Reassembled on Thursday, 30 May, the commissioner addressed Parliament. Troubled with a cold, Queensberry informed the house that he had ‘...the power and instructions for everything that appear’d necessary or convenient for the good and advantage of the nation as to religion, property, liberty, trade and particularly what could be most solid use to our African and Indian company, but several things have occur’d wherein I find myself oblig’d to consult his majesty...’⁸⁰⁸ In conclusion, he stated that there was no option but to adjourn Parliament until the following month. In little over a week in which Parliament had met on

⁸⁰⁵ NAS GD 406/1/4771; NAS GD 406/1/4613. In addition, Tullibardine advised Hamilton that it would be beneficial that ‘...all the gentlemen in the severall shires that have as much will maintain them doe come to Edinburgh to attend the Parliament and advise their representatives, which will have good effect...’

⁸⁰⁶ NAS GD 406/1/4736.

⁸⁰⁷ Crossrig, 5.

⁸⁰⁸ APS, X, 195.

four occasions – although there were only two of those when business was actually discussed – the court had been brought to their knees. Riley considered this as a sizeable and public court defeat, however he does not adequately explain how the opposition he had formerly considered a rather motley coalition, overwhelmed the government on the point of Caledonia, which was, he argued, for many no more than a convenience.⁸⁰⁹ To some extent, the answer must surely lie in the comprehensive country preparation for the session. The national address coupled with the resentment felt towards the proclamation against petitioning must have had some affect, the importance of the colony being promoted at a local level. In this respect, the country party was far more active in the localities than their court counterparts, whose intermittent absence in London presented an opportunity for the opposition to encroach on areas of their jurisdiction. Nevertheless, it can be argued that the country party was a victim of its success, for by adjourning Parliament the court robbed it of its public platform. In an attempt to recover its momentum, a further address was designed, highlighting the ‘...unspeakable grief and disappointment...’ caused by the recent adjournment, and the lack of an appropriate response to the former unanimous address approved in the session of 1698. It asked that the King allow Parliament to sit on the day to which it had been adjourned, and continue sitting until the matter of Caledonia was resolved.⁸¹⁰ In a letter to his mother, Hamilton summarised this recent event. He observed ‘...never people ware soe routted as thos who at this tyme would have soled and ruined ther countrie, its Gods oun particular care and protection that has prevented at this junctur the imediat ruine of this poor nation, wee aught all to be sensitive of itt, and ascribe itt only to his great goodness that has putt it in the hearts of thos who expected least off to shoe themselves better councitriemen at this tyme then thes of

⁸⁰⁹ Riley, *King William*, 136.

⁸¹⁰ *Company of Scotland*, 219.

our own order, I mean the burroughs for wee have twenty-seven of them signing the address and but twenty noblemen...'⁸¹¹ This accounted for almost half the burgh estate and was probably the height of burgh support for the opposition in the period 1698 - 1702. The address was presented to the King on 11 June, by a delegation including William, twelfth lord Ross. Despite the opinion of Queensberry, Argyll, Annandale and Seafield, who all felt it necessary that the King consent to an act asserting the right of the colony, as the only way '...to divide the oppositite pairtie and satisfie all who are well affected to our government...', the King, unwilling to compromise, agreed to give the address his consideration.⁸¹² In Edinburgh, his judgment was publicly known on 17 June, when Parliament was adjourned until the beginning of July.⁸¹³

The court, demoralised by the previous session, considered a design to call the opposition to London so the King could bring them to some accommodation.⁸¹⁴ Prior to Parliament Queensberry had made a tentative approach toward Hamilton through Philiphaugh and Sir Hugh Dalrymple, stating that he was '...ready to entertain a personal friendship with the Duke Hamilton...'⁸¹⁵ Concurrently, Hamilton had obviously sent representation to the King by way of Carmichael, although it was not well received, the secretary writing '...the King said he knew you were willing to be employed in his service upon your owne terms and named two places you disired, he commanded me to tell your grace that these are not the right methods you are taking

⁸¹¹ NAS GD 406/1/7841.

⁸¹² Seafield, 290-292; Company of Scotland, 219.

⁸¹³ NAS PC 1/59, fol. 108.

⁸¹⁴ Carstares SP, 551.

⁸¹⁵ NAS GD 406/1/4455; Riley, King William, 145. In the wake of the adjournment, Queensberry accompanied by Hamilton and their duchesses had a picnic at Cockenzie, a source of considerable anxiety for the court.

and that he is not pleased with the same...'⁸¹⁶ It was apparent that the King was not prepared to negotiate with the opposition, and the court proposal seems to have been forgotten. In the meantime, news of Alexander Campbell of Fonab's victory against the Spanish at Toubacanti and the ensuing riot, fuelled by patriotism and liberal quantities of alcohol, did nothing to alleviate the dejected mood of the court. The decision to have illuminations in recognition of this success was made by Hamilton and the opposition at Patrick Steel's tavern on 20 June 1700. Nonetheless, it is harsh to blame them for the carnage that ensued. The mob gathered that evening and smashed the window of any house that had no candle for Caledonia, paying particular attention to the homes of the officers of state. The door to the advocate's lodging was broken open and Sir James Stewart forced to sign warrants for the liberation of Hugh Paterson and James Watson, charged with publishing pamphlets in favour of the colony. However, the warrants were of no use as the tollbooth was forced, Annandale recording that the rioters set about '...liberattin all prissoners, (yea the Frazers themselves) except tuo or three for bouggary and thift...'⁸¹⁷ In addition Melville noted that the bells of St. Giles were ordered to play, the first tune being '...Willful Willy, wilt thou be willful still...', a fitting challenge with obvious political overtones.⁸¹⁸

The government tried to make the best of this situation by representing the riot as a predominantly Jacobite design, instigated by the Marischal.⁸¹⁹ This proved a popular court tactic actively employed throughout the summer. For instance, rumour spread that Hamilton and Tullibardine had gone north and rebellion was imminent, convinc-

⁸¹⁶ NAS GD 406/1/4360.

⁸¹⁷ Fraser, *Annandale*, 208.

⁸¹⁸ *Carstares SP*, 539, 541, 543; *Company of Scotland*, 220-225.

⁸¹⁹ Fraser, *Annandale*, 208.

ing the nervous Perth garrison to double the guard.⁸²⁰ Similarly, it was reported that if the King did not consent to call Parliament, the country party would stage a rival Convention in Perth, as ‘...they have Athol, and a part of the Highlands, at their backs; the town itself, and the several shires about, their friends...’⁸²¹ Likewise, Hamilton caused some concern by his behaviour at a party he hosted in honour of his wife. Following dinner the duke, ‘...being sooner overtaken than the rest...’, supposedly told Leven that if he would join his interest he would obtain a pardon for him.⁸²² This could be considered a perfectly innocent comment in reference to the current political situation, but the alternative implication is obvious. Hamilton found it as impossible to shake the reputation acquired during his early career, as Tullibardine did to exorcise the ghost of Killiecrankie. It is difficult to establish how detrimental court propaganda proved to the opposition, but in a world where a Jacobite restoration was still considered a serious threat, intelligence of this sort could prove a potentially potent weapon.

However, it was news of the third desertion of Caledonia that had a more immediate impact on court preparation for the next meeting of Parliament. By the end of July the resentment that accompanied the initial announcement had begun to subside, a fact discussed by Queensberry, who optimistically reported that ‘...two or three members of parliament were with me yesterday, and declared to me, that, since all hopes of success in the affair of Caledonia are lost, they are not willing to push matters any further...’⁸²³ Likewise, Seafeld noted ‘...that our ferment does rather abate than increase

⁸²⁰ NAS GD 406/1/4687.

⁸²¹ *Carstares SP*, 570.

⁸²² *Carstares SP*, 579.

⁸²³ *Ibid.*, 583-584.

since the arrival of Captain Campbell'.⁸²⁴ The embittered hero of Toubacanti had in short, attributed the recent disaster to mismanagement, challenging the popular notion that the current situation was primarily the result of external intervention. These revelations dealt a significant blow to the opposition. With the company no longer in actual possession of the colony, it became ever more improbable that they would convince the King to recognise their legal right of possession. In addition, with doubt over the future of what had become their core policy, it could prove difficult to maintain a cohesive party, particularly with regards the members mentioned by the commissioner, a number of whom were naturally more inclined to support the government, but in opposition on the strength of Caledonia. This presented a clear opportunity for the court to drive a wedge into the country interest, siphoning of some of their more conservative support. Queensberry was confident that '...if money could be had, I would not doubt of success in the King's business here; but the low condition of our treasury keeps many things out of my power that I could easily compass'.⁸²⁵ In a similar proposal, Argyll suggested '...buying some, purchasing others, and making some places void for others...'.⁸²⁶ In a sense this proved the basis of court policy. Place and pension were offered as an incentive to several prominent members of the opposition, with the condition that the gift was dependent on their behaviour in Parliament, while the major effort was reserved for those the court considered convertible. To convince him of the potential benefit of this approach, the commissioner had recently received word from his cousin, Lady Mary Drummond, wife of the Earl Marischal, promising that she would bring her husband into the court for an annual pension of three hundred pounds sterling.⁸²⁷ He also understood that Sir Francis Scott of Thirlestane, commis-

⁸²⁴ Ibid., 577.

⁸²⁵ Ibid., 585.

⁸²⁶ Ibid., 599.

⁸²⁷ Ibid., 585.

sioner for Selkirkshire, would be converted in return for the position of master of work.⁸²⁸ However, due to the rather covert nature of this strategy it is difficult to illustrate its full extent. Nonetheless it is clear that in a period of just over a month, Queensberry reported having spent five hundred pounds, and was keen to obtain a note for another thousand.⁸²⁹ There can be little doubt concerning how this was used, the duke writing, ‘...I do hope his Majesty’s business may be done without putting him to any considerable expense; yet more money than what I now propose may possibly be necessary; but I shall be answerable that it shall not be squandered; and I shall be well assured of satisfactory returns...’⁸³⁰ Riley suggests that this was part of a broader scheme of aggrandisement, whereby Queensberry established a near monopoly of influence and patronage.⁸³¹ However, it is possible that this interpretation has led to some confusion concerning contemporary government policy. In a letter from Argyll to Carstares, the earl mentions his ‘...hope to regain my only defector Lord Forrester; and Lord Kello and Lord Rutherfoord I have prevailed on’.⁸³² While there appears to be no record of negotiation with either of the former, at the beginning of November, Robert, fourth lord Rutherford wrote to James Hamilton of Pencaitland, reporting ‘...that there was a great person with you that offered me a hundred pound sterling in present gold or monie and a considerable penchin dureing my life if I would votte as he pretended for the King, my indisposition and weakness of bodie is such that I cannot wait on you at this time, and if had could I would not have disoblidged his grace the Duke of Hamiltone...’⁸³³ Making the reasonable assumption

⁸²⁸ Neither Marischal or Thirlestane were successfully converted by the court.

⁸²⁹ Carstares SP, 638; Riley, *King William*, 148. It is unclear whether Queensberry refers to pounds sterling or Scots, although the pension of four hundred pounds sterling recently granted to Whitelaw, seems to suggest the latter, making a considerable difference with regards influence.

⁸³⁰ Carstares SP, 638-639.

⁸³¹ Riley, *King William*, 148.

⁸³² Carstares SP, 666.

⁸³³ NAS GD 406/1/4676.

that the ‘...great person...’ Rutherford mentioned was Argyll; it is possible to present a revised account of court policy. With regards the supposition that Queensberry was the main source of patronage, it is feasible that Argyll was acting on his instruction. Similarly, there may have been a general agreement among the court, whereby each would have a limited amount of patronage at their disposal. Nevertheless, considering Argyll was in regular correspondence with Carstares, the principal broker of the above patronage deal, it is also possible that he had made his own arrangement with London.⁸³⁴ In any case, it would appear that there was greater potential for the distribution of patronage than previously anticipated, there being ample opportunity for this during the second phase of court policy.

On 29 August Ruglen observed that ‘...our statesmen are all in town and using their last efforts, all irons are in the fire to compos their ends and the greatest civilities and promises imaginable made to every body...’⁸³⁵ He added that Marischal had been at Leith in the company of Argyll and Seafield, ‘...where I am told ther was hard drinking but I don’t hear they gained him...’⁸³⁶ Likewise, Whitelaw had been interviewed by Seafield, where it was alleged that the court was prepared to yield everything if the opposition would not force Caledonia. However, this was the precursor of a more general policy first mentioned in September, when it was observed that, ‘...this ten or twelve days that [Seafield] has been here, the officers of state have been for the most together, and (they say) have divided the members of parliament of the other party among them: Each has a class of them assigned him, and are to part next week to the

⁸³⁴ Carstares SP, 599. On 8 August 1700, Argyll sent Carstares ‘...a schedule, by which I’d carry thirty members of parliament off, and so carry the affair...’, perhaps further evidence that he had or sought his own source of patronage.

⁸³⁵ NAS GD 406/1/6413.

⁸³⁶ NAS GD 406/1/6413.

country upon their mission to convert them'.⁸³⁷ It was agreed that Seafield would go north, Argyll west, the commissioner would stay in Edinburgh, and emissaries would be sent into Fife and Angus.⁸³⁸ Despite having found a number of those engaged in the second national address unwilling to abandon the opposition, considering themselves bound by honour, the court appear to have enjoyed substantial success.⁸³⁹ For instance, Argyll reported that the highlanders '...will put their hand to no paper where they see not mine first; and even those who were in the hills against the government, say, since they have sworn alledgiance, their dependance shall be on the court...'⁸⁴⁰ He added '...if they could be seduced, it should not be by Duke Hamilton, who received King James's commission upon his knees to command them, and yet left them to do for themselves...'⁸⁴¹ It is obvious that there was always room for another unsubstantiated Jacobite rumour. Seafield had comparable success in the north, where he stopped the signing of the second national address in his region, and met with members of Parliament from Banff, Aberdeen, Inverness and Elgin. He also resolved to return to Edinburgh via Aberdeen, Montrose and Dundee, so as to have an opportunity to speak with all the northern members. In a comprehensive account of his endeavour written at Cullen, he observed -

I have great hopes that the parliament-men in this country will be better inclined than they were in the last parliament. Bracco, Sir James Abercromby, Sir John Forbes of Craigievar, Sir Samuel Forbes of Foveran, Mr. James Elphinstone, and the sheriff of Murray, do all promise very fair; and, this

⁸³⁷ Carstares SP, 633, 634.

⁸³⁸ Ibid., 636, 641. On 9 September 1700, Queensberry wrote '...since my Lord Seafield came hither, we had the rolls of parliament under consideration; and every one of us have undertaken to deal with these we can best hope to prevail on...'

⁸³⁹ Ibid., 603, 632

⁸⁴⁰ Ibid., 647.

⁸⁴¹ Ibid., 647-648.

week, my Lord Salton, my Lord Frazer, and my Lord Pitsligo are to be with me, and I shall plainly let them know the danger and inconveniences that will necessarily ensue, if things be not adjusted in the next parliament...I have also written to Fowlis Monro, and to my Lord Rae, and to William Ross commissioner for Dingwall; and I expect a return from them this week. The Laird of Grant, the Laird of Brody, and Asslect are also to be with me the end of this week or beginning of the next...⁸⁴²

Concurrently, Queensberry was making overtures on behalf of the Jacobite exile, Colin Lindsay, third earl of Balcarres, who had recently approached the King for permission to return to Scotland. The court was divided on the subject, but the commissioner was of the opinion that there was '...no danger or inconveniency in letting him come over immediately; he is an instance of the folly of Jacobitism...'⁸⁴³ In addition, from a practical perspective, he observed that Balcarres's son-in-law, Alexander, fourth earl of Kellie, had '...two representatives of boroughs in Fife that depend entirely upon him...', advocating that '...he should also be obliged to use his interest with them for the King's service...'⁸⁴⁴ In the month before Parliament, the court continued to make progress. Seafeld reported that he had secured Alexander Swinton for Dysart, who promised to bring three or four more with him, while Annandale claimed success with one of the two opposition members from Dumfriesshire, Alexander Johnstone of Elschieshields.⁸⁴⁵ Likewise, Argyll carried his former convert, Claud Hamilton of Barns, member of Parliament for Dumbartonshire, whom he sardonically

⁸⁴² Ibid., 650-651.

⁸⁴³ Ibid., 617, 624, 625-626, 630, 637-638. Seafeld was also of the opinion that Balcarres should be given permission to return home, although he advised that they should '...take his promise, in express terms, that he should neither directly nor indirectly concur with the D. of Hamilton in the opposition...'

⁸⁴⁴ Ibid., 645.

⁸⁴⁵ Ibid., 665. Despite Annandale's prediction, Elschieshields remained with the opposition.

described as ‘...almost for turning Campbell’.⁸⁴⁶ Nevertheless, the second phase of court policy was essentially executed outside Edinburgh, with the court taking the lead from their opposition equivalents. It would be surprising if patronage did not have an affect on some, and it is possible that the practice was more general than previously suggested – whether as straight cash incentives or what amounted to state sponsored bribery.⁸⁴⁷ However, of those specifically mentioned above, none were converted to the court. In this respect it is fair to conclude that local influence was the indispensable part of court policy.

In preparation for the next session of Parliament the court could exploit the added benefit of potential patronage. However there was no comparable incentive available to the opposition, whose campaign relied almost exclusively on what could be derived from their combined regional jurisdiction. This was apparent in both components that formed the core country strategy – the second national address and electoral policy. The design for a new address was made public at Patrick Steel’s tavern on 20 June, the day of the Toubacanti riot.⁸⁴⁸ Comparable with the former address in that it asked that Parliament should meet as soon as possible, this was a far more inclusive document than its predecessor. It primarily asserted -

⁸⁴⁶ *Ibid.*, 666.

⁸⁴⁷ NAS GD 406/1/4801; NAS GD 406/1/4806. Corruption was not unique to the Scottish Parliament. In a contemporary letter to Hamilton, Gavin Mason, commenting on English elections observed that ‘...ther never was in the world such monstrous impidence as wie hear of every day of Bribery and Corruption in the chusing sum of our members for this ensuing parliament at sum litell inconsiderable boroghs ther hath bine 14 or 1500 given by men that war never heard of in the country before, being sent from hence by the Bank or East India Company...’

⁸⁴⁸ *Carstares SP*, 533, 561, 562-563, 577; NAS GD 406/1/4687. In addition, the following month, the opposition ‘...agreed upon a parole of honour to one another, not to buy or drink any French wine or brandy after a certain time, nor to wear anything that is not manufactured in this kingdom’. The privy council later issued a proclamation against the resolve. Tullibardine observed, ‘...I doubt not there are some in government will find fault with us if we resolve against being drunk or comitting adultery...’

That the protestant religion be secured against the growth of popery, immorality and profaneness: That the nation's right and title to Caledonia, as holding of your Majesty's crown of Scotland, be asserted and supported: That the good inclinations of your Majesty, and successor Kings of Scotland, be preserved from foreign influence, as well as from the misrepresentations and pernicious counsels of unnatural countrymen: That the frequency and sitting of parliament be secured and ascertained, pursuant to our claim of right: That the security of the nation and government be settled, and a duly regulated force, instead of a standing army, so burdensome to the country, and dangerous to its liberty...be specially declared by parliament: That the trade of this nation be encouraged and advanced...And that all such articles of grievances presented to your Majesty by the estates of this kingdom in the year 1689, as having not yet been redressed...be redressed in parliament...'⁸⁴⁹

Combining the main opposition policies of Caledonia and supply, with the universal appeal of religion, and the historical precedent of the claim of right, this was a comprehensive manifesto. By the 19 July, Queensberry reported '...that most of our angry people are gone to the country to get subscriptions to their new address, which is in so high terms that, I am told, many are afraid to sign it...'⁸⁵⁰ However, the address enjoyed substantial success in Stirlingshire, where it was circulated by William, fourth lord Forrester. In a letter to Hamilton, Tullibardine wrote '...I stayed some hours at Stirling where I mett with Lord Forster and others, and stayed till I saw the provest and some of the bailies signe the address, so I doubt not that the town which was so averse to the last will after the beginning proceed frankly, which I am sure will not a

⁸⁴⁹ Carstares SP, 681-683.

⁸⁵⁰ Ibid., 571.

little displease Earle Mar and his friends...'⁸⁵¹ Likewise, Tullibardine expected comparable success in Perthshire, where he had sent a copy of the manuscript to his father, John Murray, first marquis of Atholl.⁸⁵² In Forfarshire, Panmure reported similar progress, although he added to Hamilton '...it is not proper for me to signe the address for your grace knows that it was thought by many that my signing the former did hurt...'⁸⁵³ Further north, James Sutherland, second lord Duffus took receipt of the Caithness address, although it is uncertain whether he had been responsible for carrying the document through the shire.⁸⁵⁴ In the east, Lindores collected subscriptions in Fife, while in Edinburgh; Hamilton observed that the faculty of advocates had again signed.⁸⁵⁵ On 4 September, Lord Basil Hamilton informed his brother that he intended to take the address to William McDowall of Garthland's funeral in Galloway, '...where I shall meet with all the gentry of the shire...being so good an opportunity of having them all together, it shall be fairly offered to them all...'⁸⁵⁶ Nonetheless, in the south-east Marchmont was making a simultaneous effort to stop the address in Berwickshire.⁸⁵⁷ On the west coast, Sir James Stewart of Ardmaleish and Kirkcubright – a former member of Parliament, whose seat had been declared vacant on account of his having not taken the oath of allegiance – was commissioned to distribute the address in Bute. He reported '...there are but few signers here and none of them shall be wanting (except myself, and reason known to your grace), the heritors, magistrats and town council and burghesses signs, also the ministers and their elders if any one minister in Scotland does (of which your grace may please acquaint me) and if notars may sign for

⁸⁵¹ NAS GD 406/1/4575; NAS GD 406/1/4691.

⁸⁵² NAS GD 406/1/4575; NAS GD 406/1/4687.

⁸⁵³ NAS GD 406/1/4531.

⁸⁵⁴ NAS GD 406/1/4650.

⁸⁵⁵ NAS GD 406/1/4687; NAS GD 406/1/4526.

⁸⁵⁶ NAS GD 406/1/6593.

⁸⁵⁷ NAS GD 158/965, fol. 273.

those who cannot...'⁸⁵⁸ Despite the apparent acquiescence of the Bute clergy, the church of Scotland remained aloof from the address, in some areas actively preaching against it. Nevertheless, the project was a success, although in this instance the court tempered the address in the north where Seafeld and Gordon were vigorous against it.⁸⁵⁹ Coupled with circular letters sent to members of the opposition in an attempt to stiffen their resolve in the face of a proactive court offensive, the address must have been of some benefit.⁸⁶⁰ Policy was disseminated from the centre. In this respect country rivalled court. However, with regards its stated objective, the second address accomplished as little as the first. It was presented to the King on 16 November, by Charles Hay, Lord Yester, Peter Wedderburn of Gosford, and Sir John Pringle of Stichill.⁸⁶¹ Yester informed the King that their purpose was '...to present an address to his majestie signed by a great number of his loyall subjects in Scotland, who have no design in it but your majesties true honour and the welfare of their native countrey...'⁸⁶² The King consented to hear it read, but replied that he could not take further notice of the address, '...being the parliament is now mett and I have made a declaration of my mind for the good of my people, where with I hope all my faithfull subjects will be satisfied...'⁸⁶³

The national address making substantial progress through most of the kingdom, the second phase of country policy was, as formerly, entirely dependant on the number of available seats. Since the end of the former session, in an interval of approximately

⁸⁵⁸ NAS GD 406/1/4669; *Carstares SP*, 634. It was reported that '...in some parts, never a ploughman but that they have got to sign it by himself, or a notar for him...'

⁸⁵⁹ *Seafeld*, 318-320.

⁸⁶⁰ *Carstares SP*, 633, 663.

⁸⁶¹ *Ibid.*, 671.

⁸⁶² NLS 7021/16.

⁸⁶³ NLS 7021/16. One of the interesting aspects of this, is the fact that the King appears to believe that political opposition will be better controlled in parliament, as opposed to previous monarchs who tried to avoid parliaments, believing they would be a forum for opposition.

five months, eleven places had been vacated, only three less than previously in a period of almost two years. For the country party, the death of William McDowall of Garthland, one of the resident commissioners for Galloway, was of considerable significance, representing an obvious opportunity to obtain a place for Lord Basil Hamilton. Preparation had begun by the end of August, when Lord Basil wrote to his neighbour Sir Charles Hay of Park ‘...I’m now to tell you that I find it will be expected by our friends, that I endeavour to be elected commissioner of parliament in the place of Garthland...perhaps they may choose one more capable to serve the country, but non I’m sure that’s more willing or has done less hurt to it than I have...’⁸⁶⁴ Confident of carrying the seat, he wrote to his brother Hamilton, ‘...I think I have the most natural pretension to it, being the place where I have the greatest interest and the first baron in the shire...’⁸⁶⁵ However, from the beginning, it became apparent that Lord Basil would be opposed by a powerful court coalition managed by John Dalrymple, second viscount of Stair and James Stewart, fifth earl of Galloway. The latter told Lord Hamilton that ‘...he could expect noe other considering his concern in [the] Duke [of] Queensberry...’⁸⁶⁶ In this respect, there was little time to lose in establishing a party capable of countering their interest. Consequently, Lord Basil compelled Sir Charles Hay, who throughout the campaign occupied the role of Hamilton’s electoral agent, to be forward in ‘...sounding all your electors about you, and engadgeing them for me...’⁸⁶⁷ Hamilton was eager to obtain the support of the seven freeholders whose lands formed part of the Rinns of Galloway, the peninsula to the south of the shire, that were nearer the Dalrymple seat of Castle Kennedy than his own estate of Baldoon, and more prone to be influenced by Stair. He advised Sir

⁸⁶⁴ NAS GD 72/647.

⁸⁶⁵ NAS GD 406/1/6593.

⁸⁶⁶ NAS GD 406/1/6593.

⁸⁶⁷ NAS GD 72/647.

Charles, who apparently held the land near Glenluce, to speak with them, for ‘...the first word is much for then they may say they are engaged...’⁸⁶⁸ In the meantime, the court was actively arranging a meeting of the shire for much the same purpose. On 20 September, Sir Charles Hay wrote to Lord Basil, ‘...my Lord Stair is doing his utmost with the barons and yesternight my Lord Galloway went to Stranraer wher Loudoun⁸⁶⁹, Stair, [the] Master, and the young sheriffe wer to meet with Logan, Freuch and others of the barons to ingage them...I am hopefull that thes gentlemen that promised to your Lordship will remember ther word of honour and not be bayesed...’⁸⁷⁰ Sir Charles added, that the court had resolved to choose James Agnew of Lochnaw as their candidate, and ‘...all arte is using heir to get the young sheriffe elected...’⁸⁷¹ To facilitate this, they had sent for his father, Sir Andrew Agnew of Lochnaw, the other shire commissioner, in order to make certain he would definitely vote for his son. This was a source of considerable irritation for Lord Hamilton who had already approached the former hereditary sheriff, telling him that ‘...I expected his vote, even before his son, and that if he be so much against his sons pretending to it, he had the more reason to show it, by votting for me, but he told me he would not be there nor ever att any election, but I might be sure if he war there, he would be for me before any other...’⁸⁷² concluding that ‘...its impossible he can doe it, he has lived all his life with more honour...’⁸⁷³ However, this suspected behaviour would appear to be the exception rather than the rule, and in most instances a gentleman was as good as his word. For example, neither Robert McDowall of Logan, nor Patrick McDowall of Freuch, specifically mentioned in the former report, gave Hamilton any

⁸⁶⁸ NAS GD 72/647.

⁸⁶⁹ Hugh Campbell, third earl of Loudoun, married 6 April 1700, Margaret, daughter of John Dalrymple, second Viscount of Stair.

⁸⁷⁰ NAS GD 406/1/4698.

⁸⁷¹ NAS GD 406/1/4698.

⁸⁷² NAS GD 72/647.

⁸⁷³ NAS GD 72/647.

cause for concern. Logan indicated that despite having been ‘...often and strongly assaulted to retract my vote for your lordship...I shall as soon cease from being as they shall prevaile with me to doe a thing soe dishonourable as break the promise I made...’⁸⁷⁴ Similarly, in another account sent to Sir Charles Hay, Logan reported ‘...that when a great man asked his vote he told him pleanly that he thought [Lord Basil] the fittes person, to which it was answered, weall Logan the only way to get kindnes from you is to cugell you to it...’⁸⁷⁵ It is evident from the above that there was considerable pressure exerted over the shire electorate in the month or so prior to election. This fact is supported by a comment made by the laird of Freuch in reference to the meeting at Stranraer, where he claimed the election ‘...for many hours was warmly debate, [and] a great many threats and also encouragements were laid before us...’⁸⁷⁶ Similarly, in a letter dated 30 September, Lord Basil complained bitterly, that ‘...there never was such indirect means taken as they are using, and contrar to all law, and must be noticed hereafter, for noblemen and those in the government too, Gallo-way and Loudoun privy councillors, to be conveening the barrons, and imposing on them to hinder the freedom of election and threatens them most severely, for they are generally all for me in their mind, whatever they shall be freightned too...’⁸⁷⁷ Considering the country party had spent the best part of the last two years irregularly organising shire meetings for the purpose of signing both national addresses, it can be argued that the first part of Lord Basil’s protest has little foundation. However, the extent of electioneering was considerable, and seems comparable with the period immediately following the Revolution.

⁸⁷⁴ NAS GD 406/1/4703.

⁸⁷⁵ NAS GD 406/1/4705.

⁸⁷⁶ NAS GD 406/1/4706.

⁸⁷⁷ NAS GD 406/1/4707.

This apart, by the beginning of October, there had been a significant modification with regards the composition of the competing parties. The court had revised its choice of nominee, settling on Galloway's uncle, Mr. William Stewart of Castlestewart. Lord Basil wrote that '...the young sheriff is kicked of, they finding more difficulty to doe anything for him, he not beloved at all in the shire, at which he now rages and swears he'll be for me, but no trust to be had to him, a mean soull, and I fear they'll draw him of yett...' ⁸⁷⁸ Final preparation was now in progress to encourage and dissuade active participation in the election. The lairds of Freuch and Logan reported that an effort had been made to secure Agnew of Sheuchan, Blair of Dunskey, and Adair of Drumore. They were confident that perhaps not persuaded to vote for Lord Basil, they would stay at home, although none of them did. ⁸⁷⁹ In addition, Sir Charles informed Lord Hamilton '...that I have gott my chartor and am infest upon it...', but even though Alexander Vaus of Barnbarroch's had arrived, '...if he be not against your lordship he will not gett it till the election be over, so if you be sure of him you may cause him pretend, till he hath it, that he is not for you...' ⁸⁸⁰ Obviously either interest were prepared to make use of any advantage underhand or not. Simultaneously, Hamilton attempted to convince the eighty-four years old William Gordon of Craichlaw that his appearance at the election would be of some importance. Craichlaw sent an honest reply, stating that when in bed '... I am very apprehensive I shall never again walke on foot...', informing Lord Basil that in the last three years he had seldom been able to attend the parish church which was less than a mile from his residence. ⁸⁸¹ He did send a deposition promising his vote to Hamilton in the forthcoming election, but in his own hand, Lord Basil annotated the document with the brief syn-

⁸⁷⁸ NAS GD 406/1/4707.

⁸⁷⁹ NAS GD 406/1/4706.

⁸⁸⁰ NAS GD 406/1/4704.

⁸⁸¹ NAS GD 406/1/4702.

opsis ‘...this is but a testimony of friendship and wont hold in law’.⁸⁸² Likewise, consistent with its stance throughout the period, the church was openly hostile to Hamilton’s election. Lord Basil informed his brother that the ministers are ‘...under hand opposing me, and preaching against the address...’⁸⁸³ Like the Roxburgh election of the previous session, the role of the church is difficult to determine, but it undoubtedly had significant influence on local politics. By now, no longer convinced of outright success Lord Hamilton calculated ‘...I have all the considerable barrons and they the small fry which they have frightened into it, and bringing in those to vote that never votted before, so you may expect a double election, with abundance of protests on both sides...’⁸⁸⁴

The election was held in the Wigtown tollbooth on 8 October 1700, where it was soon apparent that Lord Basil’s appraisal was accurate. Before the election could begin there were ten protests made, primarily by Hamilton’s interest, concerning the right of their opponents to vote.⁸⁸⁵ However, the main bone of contention was the fact that the sheriff – Lochnaw – presided in the meeting during the preparation of the electoral roll. The established practice was for the sheriff to convene the freeholders and then produce the warrant for an election. It was then the duty of the last elected commissioner to administer the oath of allegiance, call the roll, and ask votes for the choice of president and clerk. If the commissioner was not present, it was the responsibility of the sheriff clerk. In the event he was also absent, the role was ceded to the freeholder who had last served in any former Parliament, and failing this, to the freeholder who

⁸⁸² NAS GD 406/1/4702.

⁸⁸³ NAS GD 406/1/4707.

⁸⁸⁴ NAS GD 406/1/4707.

⁸⁸⁵ NAS PA 7/17/158/1.

appeared first on the roll.⁸⁸⁶ In an attempt to resolve this situation a representative of Castlestewart moved that Galloway and Stair – who happened to be in attendance – should be admitted to ask their opinion. On their entering ‘...Lord Basil and his adherents did protest against them as a thing illegall and unprecedented, against which the Earle of Galloway and Viscount of Stair did immediately protest that they were called by the greatest pairt of the barrons and besyde that the meeting was not constitute nor a president chosen...’⁸⁸⁷ Here the account differs, Sir Andrew Agnew, author of ‘The Hereditary Sheriffs of Galloway’, stating that Lochnaw, despite the protest of the lords, continued as president.⁸⁸⁸ However, the manuscript account of Robert Crawford, notary public, who was present at the meeting, indicates that there was a yote for president, from which Lord Basil and his interest abstained, the rest unanimously electing Castlestewart, who was subsequently chosen commissioner.⁸⁸⁹ Nonetheless, there was a dual return and the sheriff clerk prepared two commissions – Hamilton’s subscribed with twelve signatures, Castlestewart’s with sixteen.⁸⁹⁰ The matter would be resolved in Parliament, and for that purpose Lord Basil contacted several of his supporters, Hay of Park, Maxwell of Monreith, Dunbar of Mochrum and McDowall of Garthland, asking them to come to Edinburgh ‘...against the sitting of parliament to assert the truth of what passed if need be, and to talk with the barrons...’⁸⁹¹ In addition he mentioned the current shire commissioner, writing ‘...pray give my service to Sir Andrew and tell him this will be a hott parliament and if he be

⁸⁸⁶ Agnew, *Sheriffs*, 470-471.

⁸⁸⁷ NAS PA 7/17/158/1.

⁸⁸⁸ Agnew, *Sheriffs*, 472.

⁸⁸⁹ NAS PA 7/17/158/1.

⁸⁹⁰ NAS PA 7/17/2. NAS PA 7/25/34/12/2. Lord Basil Hamilton’s commission was signed by Agnew of Wig, Hay of Park, McDowall of Freuch, Vaus of Barnbarroch, Maxwell of Monreith, Hamilton of Baldoon, McDowall of Garthland, Agnew of Lochnaw, McDowall of Logan, Dunbar of Mochrum, McDowall of Corochtrie, and Gordon of Cairnfield. As yet it has not been possible to accurately identify all Castlestewart’s electors.

⁸⁹¹ NAS GD 72/647.

not on the countrey side he had best stay away, for it will be trouble to him the rest of his days to be forced to goe alongst with what the other party are on...'⁸⁹²

There was a similar situation in Ayrshire, where Hamilton had persuaded John Brisbane of Bishopton to stand for the vacant seat. In pursuit of the place Brisbane proposed to appear indifferent, '...for wer I pressing it would make the gentrie beleieve that I wer seeking my self and not the good...'⁸⁹³ He mentioned that Sir Robert Dickson of Sornbegg had set himself up in opposition, proclaiming that he was Hamilton's candidate, and promising if he was elected he would free the shire of cess, '...which makes him much suspected and laughed at...' This illustrates that there was obviously some benefit in having a noble patron, and that even aspiring seventeenth-century politicians were prone to making ridiculous pre-election promises. His friends had been actively campaigning in Kyle and Carrick, while Brisbane was convinced that he had little to fear from Mr. John Campbell of Shankstoun – Loudoun's brother and Seafield's cousin – having '...convinced all that I could meet with, that nothing could be mor ridiculous then to address the on day for the removall of our grievances and the next to choose one for our representative that would continue them...'⁸⁹⁴ However, Loudoun was industriously sending circular letters through the shire in an attempt to influence the electorate which, in Ayrshire numbered near one hundred.⁸⁹⁵ He evidently had some success, for as in the former example, the election was disputed, although in this instance there are no surviving statistics.

⁸⁹² NAS GD 72/647.

⁸⁹³ NAS GD 406/1/4784.

⁸⁹⁴ NAS GD 406/1/4784; Seafield, 318-320.

⁸⁹⁵ NAS GD 406/1/4783.

Finally, there is evidence that Hamilton was also keen to acquire the seat in Bute, vacant since David Boyle of Kelburn had been created a peer in January 1699. Whether or not he asked Sir James Stewart of Ardmaleish and Kirkcubright to stand for re-election is uncertain, nonetheless Stewart did offer that ‘...they have as yet made no election here of a commissioner but that is what might be done in a day at any time if I were clear, but, however none shall come from this place till I know your grace can reckon on them...’⁸⁹⁶ In effect there was no new commission granted by the shire until after the dissolution of Parliament. The electoral campaign had not been a great success for the opposition, who for the first time lost ground to the court. This is particularly apparent in the shire return, the estate that had formerly been the bastion of opposition support. This can be better illustrated by reference to the following, from which it is possible to distinguish several significant trends.

Figure 1 – *Shire By-Elections 1698 – 1700.*

<i>Session</i>	<i>Seats</i>	<i>Court</i>	<i>Country</i>	<i>Uncertain</i>
<i>1698</i>	6	1	4 ⁸⁹⁷	1
<i>1700</i>	10	2	8	-
<i>1700</i>	9	5	4	-
<i>Total</i>	25	8	16	1

Figure 2 – *Burgh By-Elections 1698 – 1700.*

<i>Session</i>	<i>Seats</i>	<i>Court</i>	<i>Country</i>	<i>Uncertain</i>
<i>1698</i>	9	5	2 ⁸⁹⁸	2

⁸⁹⁶ NAS GD 406/1/4669.

⁸⁹⁷ Includes James Scott of Logie younger, commissioner for Forfarshire, a possible convert to the court in the ninth session of parliament.

<i>1700</i>	4	2	2 ⁸⁹⁹	-
<i>1700</i>	2	2	-	-
<i>Total</i>	15	9	4	2

Throughout the period the court maintained the initiative in the burghs – probably as a result of the smaller, more pliable electorate, and the geographic spread of available burgh seats. The shires were a different prospect, and with the exception of the elections that preceded the ninth session of Parliament, the opposition secured the majority of available places. This is particularly obvious with regard shire elections in the interval prior to the eighth session, which coincided with a period of prolonged opposition activity in the localities. Despite court success in Dumfries and Roxburgh, there is no evidence of a concerted strategy to rival that of the opposition. In comparison, the final round of elections described above overlap court preparation for the ninth session, throughout which regional jurisdiction was brought to bear in an attempt to influence members of Parliament to abandon the opposition. It seems this approach extended to electoral politics, for there was a far more rigorous effort on behalf of the court. In addition to Wigtown and Ayr, which were contested and carried by representatives of James Stewart, fifth earl of Galloway and Hugh Campbell, third earl of Loudoun respectively, Mr. John Campbell of Mamore, younger brother of Archibald Campbell, tenth earl of Argyll was returned as commissioner for that shire. It is also possible that Argyll had some influence over the Renfrewshire election, considering another brother, Mr. James Campbell of Burnbank and Boquhan had recently been elected for the burgh of Renfrew. Likewise, the vacancy in Peeblesshire, which was

⁸⁹⁸ Includes Mr. Robert Stewart, commissioner for Dingwall, convert to the court in the ninth session of parliament.

⁸⁹⁹ Includes Walter Stewart of Pardovan, commissioner for Linlithgow, as possible convert to the court in the ninth session of parliament.

carried by Alexander Horsburgh of that ilk, could well have been subject to the influence of Robert Ker, fourth earl of Lothian, particularly as his son participated in the court campaign. On 18 October 1700, it was reported that ‘...the election for Jedburgh is carried by Lord Jedburgh, for the King’s interest; the former was against it’.⁹⁰⁰ It is interesting to note that the final seat secured by the court was Campbeltown, which had recently been granted royal burgh status. Mr. Charles Campbell, another of Argyll’s brothers, secured the seat. Considering the extent of electoral policy was determined by available seats, in this instance the geographical spread of vacancies may explain court success. However, geography had not formerly troubled the opposition – or court for that matter – from pursuing places outwith their established local jurisdiction. This is an important and unusual innovation. In the Convention several burghs had been represented by non-residents, a relatively common practice although it did seem to increase from the later seventeenth century. Similarly a substantial number of places were occupied by members of the landed elite – both noble and gentlemen. Nonetheless, this was determined on a normal regional basis. There is no similar evidence of, for example, Hamilton promoting a candidate in Linlithgow, Tullibardine active in Dumbarton, or Marchmont in Kirkwall. Admittedly, this may be the result of the somewhat fragmented record for the period 1688 – 1689. Nevertheless, considering the house of Hamilton’s role in national politics since the beginning of the century, if the approach regularly identified throughout the last years of William’s reign was common, it would be expected that similar material would survive somewhere among the family papers. There is no shortage of references to local politics in this comprehensive collection, one of the earliest a letter from Charles I, dated 29 October 1627, recommending the choice of Sir William Stewart of Minto and Sir James Lock-

⁹⁰⁰ Carstares SP, 666.

hart of Castlehill as members of Parliament.⁹⁰¹ The important point is that both prospective commissioners came from prominent Lanarkshire families. It would be naïve to consider that the method observed through the electoral campaign of 1698 – 1700 had no historical precedent, but it is reasonable to conclude that there was no comparable endeavour as intense prior to the union.

The penultimate session of the Convention Parliament began on Tuesday, 29 October 1700. Encouraged by their recent endeavour, the court, although confident of success, expected a struggle in Parliament. Following the usual procedural formalities, the King's letter, '...written and framed by my Lord Advocate, and adjusted by the Secretaries...' ⁹⁰², was read to the house. Comparable to that distributed by the Privy Council at the beginning of August, the letter emphasised that '...it is truly our regrate that we could not agree to the asserting of the right of the companies colony in Darien...but since we were and are fully satisfied that our yielding in that matter had infallibly disturbed the general peace of Christendom, and brought inevitably upon that our ancient kingdom a heavie war...and that now the state of that affair is quite altered, we doubt not you will rest satisfied with these plain reasons...' ⁹⁰³ As consolation the King offered to give his royal assent to a variety of acts primarily concerning religion, trade, justice, and personal liberty. In return '...all that we demand is that you would provide proper and competent supplies for such forces as shall be necessary for the kingdomes security and to maintain it in its present happy settlement...', the single aim of court policy. ⁹⁰⁴ From the beginning of the session the court was determined to delay discussion of Caledonia by proceeding on the legislative pro-

⁹⁰¹ NAS GD 406/1/80.

⁹⁰² Carstares SP, 668.

⁹⁰³ APS, X 201.

⁹⁰⁴ APS, X, 202.

gramme summarised in the King's letter.⁹⁰⁵ They believed if policy could be implemented to the general satisfaction of the majority of members, it might be possible to divert them from an act of Parliament in favour of the colony.⁹⁰⁶ However the country party was aware that a delay of this nature threatened any momentum they might hope to accumulate. In this respect conflict concerning the order in which legislation would be processed was inevitable.

Business began with discussion of the double election in Galloway. It was debated whether the matter should be considered in Parliament or remitted to the committee for elections. Some argued that as it concerned the shire estate and alleged encroachment on their rights and privileges, the election should be resolved in the chamber. Others, '...that it is fitt that House be as quickly full as may be, which will be quickliest done in plane Parliament'.⁹⁰⁷ Conversely, it was raised that Castlestewart '...was bashfull, and could not so freely speak...' ⁹⁰⁸, an undesirable quality in any politician. Nevertheless, '...the altercation having continued till candles were lighted...', Parliament was adjourned before reaching agreement.⁹⁰⁹ Debate resumed on the 31 October, with a sederunt described by Marchmont as '...the most clamarous, contentious, and hot that ever I saw, tho I have been present in all meetings of the stats of this kingdome since the 1660, and a member since the 1665...' ⁹¹⁰ Lord Basil maintained that Galloway and Stair had come into the meeting during the election, contrary to the act of 1681. In contrast, Castlestewart's representatives contended that the sheriff of Galloway had presided during the preparation of the electoral roll without being formally

⁹⁰⁵ Carstares SP, 672.

⁹⁰⁶ Riley, *King William*, 149.

⁹⁰⁷ Crossrig, 7-8.

⁹⁰⁸ *Ibid.*, 8.

⁹⁰⁹ *Ibid.*, 8.

⁹¹⁰ NAS GD 158/965, fol.298a.

chosen. Despite further discussion, nothing was resolved until the following Saturday, when it was finally put to a vote whether to first consider the intrusion of the nobility, or the procedure of the sheriff. The latter court proposal was carried by a single vote. Had it not been for the fortuitous appearance of the younger brother of the lord advocate, Sir Robert Stewart, commissioner for North Berwick – who had been ill that morning and entered the house during debate – the episode would have had to be settled by the chancellor's casting vote.⁹¹¹ Marchmont, relieved that this test vote had gone in their favour, wrote to the King '...if it had miscarried it would have been a great prejudice...'⁹¹² Nonetheless, the election was not conclusively settled until 9 December, when Parliament gave further consideration to the depositions of both parties. David Stewart of Physgill – who ironically had supported Hamilton in his attempt to obtain the vacant seat of Kirkcudbright – asserted that his father had protested against the sheriff presiding in the meeting before the lords had entered. Garthland and Corochtrie answered that they could remember no such protest, Corochtrie adding all present had agreed that the sheriff should take the chair. It was argued that Galloway and Stair had entered the meeting during preparation of the roll, and there were several present who were not barons. Stair attempted to justify their intrusion as consistent with the act of 1681, which allowed persons to enter when called. Hamilton moved that the appearance of Galloway and Stair was an incroachment on the freedom of election. For the court, Sir Hugh Dalrymple offered that the action of both the sheriff and lords had been inconsistent with that privilege. It is interesting to note that the barons apparently sent word to the throne, that unless the term 'inconsistent' was changed to 'incroachment' they would support Hamilton's proposal. This being done, Hamilton withdrew his motion, and the second was approved by all except one, Par-

⁹¹¹ NAS GD 158/965, fol. 294-296.

⁹¹² NAS GD 158/965, fol. 298a.

liament finding that the affair had been an encroachment on the freedom of election of the barons. Nevertheless it is debatable whether this can be considered evidence of an emerging shire consciousness or identity, after all both candidates were representative of noble families.⁹¹³ The warrant for a new election was issued a few days later, and despite the former setback, it would appear Lord Basil was prepared to again contest the election. On 13 December, he wrote to Sir Charles Hay of Park, advising him to convene their friends to consider what method to follow, adding ‘...if you find it easier and certain to carry one of yourselves that will be for the interest of the countrey doe it...’⁹¹⁴ Lord Basil agreed to stand, but made it clear he would not be in attendance. He left the arrangements to Sir Charles, desiring him ‘...as you go down to the election, that youll be goodman at Baldone, and take a nights lodgeing, and bring some of your nighbours with you, it will doe me a great favour, and you cant obledge me more, than to use Baldone as if I wer thare my self...and tell my friends my claret must be drunk out ere May day, so theyl doe me a favour...’⁹¹⁵ However, the election, held on 31 December was carried by Castlestewart, who presided at the meeting. His commission was endorsed with twenty-two signatures – six more than formerly.⁹¹⁶ Nonetheless, his admission to Parliament was delayed after a report that there was a double commission sent from the shire. It is uncertain if this was the case, but is worth noting that none of Hamilton’s interest signed Castlestewart’s commission, and could well have produced an alternative document. This apart, the election had been settled in favour of the court, as was the Ayrshire contest, Parliament preferring Mr. John

⁹¹³ Crossrig, 27-28; APS, X, 223-224; NAS GD 26/7/237.

⁹¹⁴ NAS GD 72/647

⁹¹⁵ NAS GD 72/647; Plumb, Political Stability, 85-89. Plumb records similar hospitality in England – entertainment by the candidates of their chief supporters being centuries old. In addition he charts the constant increase in the cost of fighting an election throughout the latter seventeenth century.

⁹¹⁶ NAS PA 7/25/34/13.

Campbell of Shankstoun⁹¹⁷. In direct comparison with the Convention, where Jacobite candidates had their commissions nullified by the committee for controverted elections, a majority in Parliament ensured court success in local politics.

In the meantime Parliament had proceeded to choose their committees. Seafield observed the court had ‘...carried the committee; that is we have carried the nobility and commissioners for boroughs: So that, as to any thing that is committed, we have two to one. On the other hand, they have a great plurality of barons, and they expect several members will yet come up’.⁹¹⁸ In addition he estimated court strength at ‘...108 of the parliament-men for us, and that they have 95; but if this computation will hold, I cannot be positive; we have 18 or 19 noblemen more on our side than they have; and we also have a considerable plurality among the boroughs. Their strength lies among the barons’.⁹¹⁹ This was put to the test on 8 November, when Belhaven moved that after considering religion, Parliament should proceed to consider Caledonia. The court proposed that it was better to first discuss trade. Others motioned that there should be a specific day appointed for company business. Being brought to a vote whether to approve the resolve or choose a day to consider Caledonia, it was carried in favour of the former by thirty-one, the resolve being unanimously approved.⁹²⁰ With Caledonia successfully delayed, the court introduced the legislative programme approved by the King. However, it was soon apparent that the opposition intended to delay business as long as possible in an attempt to prevent discussion of the forces, ‘...that they may see

⁹¹⁷ NAS PA 7/17/2. It is interesting to note the survival of a printed document entitled ‘Information for Mr. John Campbell of Shankstoune, Brother to the Earl of Loudoun Against John Brisban of Bishop-toune’, containing details of the complaints against Brisbane’s electors.

⁹¹⁸ Carstares SP, 672; NAS GD 158/965, fol. 298a.

⁹¹⁹ Carstares SP, 673.

⁹²⁰ Crossrig, 13.

if the forces be kept up longer than the parliament has consented...'⁹²¹ For example, on 15 November, Sir John Home of Blackadder presented an act introduced in the former session, concerning church government and the King's right of adjourning the general assembly, which Marchmont described as having '...occasioned a very warme debate...'⁹²² Likewise, the chancellor reported that the act for preventing the growth of popery, had caused similar contention, the '...cross pairtie appeared to have the act made very severe...'⁹²³ The opposition was determined to introduce legislation as extreme as possible, in order to postpone and disrupt effective procedure, little being done without lengthy debate and a series of votes. However, the condition of the forces was raised on 29 November, in a speech by the commissioner. It was stated that as the funds for their provision were due to expire that month, some measure be taken for maintaining the present establishment till Parliament resolve other business. Belhaven proposed that they continue the forces until the beginning of January 1701, but that they could not be maintained longer without the consent of Parliament, which was voted and approved by all.⁹²⁴ In this respect, it is interesting to note, that on Sunday, 1 December, a sermon was preached to '...His Grace, James Duke of Queensberry, His Majesties High Commissioner, and the Honourable Estates of Parliament...', assembled in Parliament House, by Mr. William Wishart, minister for Leith. It is uncertain whether this was common practise, or how many of the members were in attendance, but the content of the sermon is of some significance. The minister reminded his audience that '...if ye bite and devour one another, take heed that ye be not consumed one of another...', imploring them '...not to be swayed with carnal and selfish interests, or of the affectation of a name, or the interest of any party whatso-

⁹²¹ NAS GD 158/965, fol. 302-303; *Carstares SP*, 671.

⁹²² NAS GD 158/965, fol. 299-301.

⁹²³ NAS GD 158/965, fol. 302-303.

⁹²⁴ NAS GD 26/7/237.

ever...' Concluding he opined that '...no doubt it is the duty of subjects to give a proportionable part of their means for the support of the government, and safety of the nation, as the apostle teacheth. Rom. 13. 6. 7...' ⁹²⁵ In short, the church stance on Parliament was unaltered, it was their opinion that the gospels said compose your differences and vote supply. It is doubtful if this had any effect on the opposition, although Parliament did agree that the fund for maintaining the forces would be extended for another month in order that trade and Caledonia be discussed. ⁹²⁶

Consideration of the colony did not begin until 9 January 1701, when it was moved by Sir John Shaw of Greenock, that the petition of the company introduced in the previous session be again read. This was followed by several addresses from the shires of Midlothian, Wigtown, Ayr, Banff, Dumbarton, Renfrew, Inverness, Nairn, Fife, Elgin, and Orkney, and the burghs of Perth, Dysart, Kirkcaldy, Anstruther Easter, Crail, Glasgow and Inverness – almost all mentioned the advancement of trade, relief from the present establishment, and encouraged Parliament to assert the right and title of the company to Caledonia. Next sederunt the opposition assumed the initiative. Belhaven resolved that the address of the English Parliament against the company had been '...an invasion upon the sovereignty and independancy of our king and parliament...' ⁹²⁷ Likewise, Gleneagles moved that the memorial presented to the senate of Hamburg in April 1697, '...was most unwarrantable containing manifest falsehoods

⁹²⁵ Sermon Preached to His Grace, James Duke of Queensberry, His Majesties High Commissioner, and the Honourable Estates of Parliament, (Edinburgh, 1700), 1-25.

⁹²⁶ NAS GD 406/1/406. On 12 December, Hamilton gave his opinion of how parliament was progressing. He was disappointed that '...wee have lost bothe publick and privat business by the fault of our own friends, and if thos had concern who ought to have done and if thos proven friends who had given all their assureances imaginable, things had not been at the passe they ar in, but for all that, the other party have not such a majority but that they are often affrayed to putt things to a vote: if Whitelaw had done his pairt wee had the wholl affair in our hands, but he has been far from doing what he aught to have done...'.

⁹²⁷ APS, X, 242.

and contrary to the law of nations...'⁹²⁸ Tweeddale then attacked the proclamation emitted by the English plantations in September 1699, the execution of which he described as '...inhumane and barbarous...'⁹²⁹ The three resolves were unanimously approved. Hamilton then motioned that Parliament assert the right of Caledonia as a legal and rightful settlement, established in terms of the act of Parliament creating the company – the proposal that paralysed the previous session.⁹³⁰ The following sederunt was spent considering whether to proceed on the four previous resolves or admit further grievances, the former carried by twenty-five votes. On 14 January, the subject that had dominated Parliament for the last three years was effectively brought to a conclusion. Marischal introduced an overture for an act asserting the right of Caledonia, the court proposing an address. Going to a vote, an address was preferred by one hundred and eight to eighty four.⁹³¹ In comparison with those who subscribed the opposition address in the aftermath of the previous session, there is little difference with regards the total. The number of noblemen remained the same, although Burleigh, Sutherland, and Patrick, third lord Kinnaird – all mentioned in the sederunt – did not participate, either absent or choosing to abstain, while Cassillis defected to the court. Their place was taken by Atholl, John Leslie, eighth earl of Rothes⁹³², Alexander Forbes, fourth lord Pitsligo, and John Lyon, fourth earl of Strathmore.⁹³³ Shire support had increased slightly from forty-one to forty-three, although nine shire commissioners who had signed the address do not appear on the roll of those in favour of an act. This deficit was supplemented by members who had been absent, recently elected or

⁹²⁸ Ibid., 242-243.

⁹²⁹ Ibid., 242-243.

⁹³⁰ Hamilton's proposal was approved on 13 January. There was a fifth resolve proposed by Sir Francis Scott of Thirlestane, that whoever had advised the king's answer English parliament's address against the company were traitors and ought to be prosecuted accordingly. This was later withdrawn.

⁹³¹ Carstares SP, 684.

⁹³² NAS GD 406/1/4526.

⁹³³ NAS GD 406/1/4525.

undecided the former session. In the burghs the opposition return fell by six, nine who had subscribed the address taking no part on behalf of the opposition. Of the eighteen elected commissioners who abandoned the country party, only half supported the court address. Introduced on 17 January, the address – asking that the King prevent future encroachments on the nation and company – was approved by one hundred and one votes to sixty-one. Hamilton, Tweeddale and fifty-six of the opposition dissented from the address, desiring that their protest be marked in the record. A similar demand had caused considerable disturbance some days earlier, when the court refused to include the names of the eighty-four who first dissented from the address in the minutes. Hamilton argued ‘...it was fitt to insert these in the minutes that the world, that had their eyes now on this parliament might know what they were doing, and that they might answer to their constituents...’, obviously courting public support. In reply, it was asserted that ‘...parliament was to answer to none but to God almighty for what they did there; they were not to be judged by the populace for what they did, for they give rules to them...’⁹³⁴

The court having enjoyed complete success in the resolution of Caledonia, the potentially hazardous matter of supply was raised on 22 January. The chancellor introduced an act for six months supply for two years to maintain the forces. Hamilton protested that while he was not for disbanding the army, he felt it prudent to continue only so many as were necessary to maintain the authority of the government. This was supported by Tullibardine, who argued that a regiment each of dragoons, horse, and foot, and a garrison at Inverlochy was sufficient. Debate resumed the following day when the court proposed that a standing army of three thousand men should be continued,

⁹³⁴ Crossrig, 53.

conforming to the present establishment. Hamilton moved that this should be limited to approximately two thousand. Marchmont observed ‘...the Kings servants were not a little apprehensive of miscarrying of this vote, and the cross pairtie seemed very confident and earnestlie pressed the question to be put...’⁹³⁵ The vote was probably the closest of that Parliament, three thousand men being carried by one hundred and eight to ninety-four. On 28 January, it was moved by the treasurer depute that the forces should be continued until 1 December 1702, the resolve approved by one hundred and seven votes to seventy-eight. Hamilton made a formal protest against continuing the forces, and with sixty-seven others, desired that his dissent be marked. Nonetheless, it was then concluded that there should be six rather than five months cess granted – amounting to eight hundred and sixty-four thousand pounds scots annually for two years – as the fund for maintaining the army – carried by around thirty-one. With the main business of Parliament all but complete, it was proposed that the King continue the one thousand one hundred men of the current establishment, over and above the stipulated three thousand men, for the next four months. Queensberry stressed that the King had agreed to maintain them without the assistance of Parliament. Hamilton argued that it would be better to fund the forces themselves, rather than have them paid from abroad, making ‘...them foreign forces, though Scots men...’⁹³⁶ Being brought to a vote, it was agreed to continue the additional forces by one hundred and eleven to fifty-eight, forty-three of the later demanding that their dissent be noted. This resolved, Parliament was adjourned on 1 February 1701, with a large amount of legislation still to be concluded, the opposition obstinate to the last. The court had brought the Parliament to a successful conclusion, although this had not

⁹³⁵ NAS GD 158/965, fol. 320-323.

⁹³⁶ Crossrig, 70.

been accomplished without some difficulty.⁹³⁷ Throughout, the opposition remained relatively consistent, their vote ranging from eighty-four on 14 January 1701, to a high of ninety-four later that month, falling to a low of fifty-eight several days later. Nevertheless, any fall in the country vote was not accompanied by a corresponding rise in court support. Once Parliament had met, fluctuating opposition support had more to do with abstention and absence than actual desertion. The court vote remained consistent throughout the period, somewhere in the region of the one hundred and eight predicted by Seafield. The 'scorched earth' policy employed by the country party in Parliament had delayed the inevitable. However, the opposition were not broken by their defeat. This is apparent in a letter dated 27 February, from Anne, duchess of Hamilton, to the duke. Normally critical of her wayward son, she wrote '...it has been very comfortable to me to heare how you have apeareed for the interest of the poore countrie in this session of parliament, and tho all has not succeeded according to our wishes yet I think you and others may have a great satisfaction in having done your duty and doubts not youll continue, and that it may please God yet to give those honest indeavours better success...' ⁹³⁸

⁹³⁷ NAS GD 158/965, fol. 392-394. On 27 February 1701, Marchmont wrote the following account to the king. '...The commissioner showed abouondance of diligence and carried himselfe with great discretion and modesty, some did much by ther open appearance and sustaining the debates in the house others without doors by continued pains in influencing the members according to the particular qualifications whixh are various among men, The Earle of Melvill was much indisposed of health yet I know he did what he could to influence the members, The Earle of Argyle has been very serviceable and had influence upon many members, The Earle of Marr has carried very worthelie all along and made good appearance The Earle of Lauderdale acted a good pairt The Earle of Levin behaved very well and honestlie, The Earle of Annandale was very usefull in business and assisted well in debate, The Earle of Broadalbane behaved and reasoned well, The Viscount of Seafield sustained the debate much and was very serviceable, The Viscounts of Tarbat and Stair were very helpful and reasoned well, The Lord Carmichaell acted his part very honestly, The Lord Boyll gave good assistance, Your Majesties Advocat showed himselfe ane able man and forward in your service, The Thesaurer Deput acted his pairt very worthelie, The president of session sustained the debates very handsomlie, ~~Sir Colin Campbell of Aberuchle assisted well in debate Mr David Dalrymple Advocat assisted well in all reasonings~~, But tho these whom I have mentioned were they who maintained the argument most yet many others whom I have marked as well deserving in that session did sometimes make good appearance in the publict reasonings and were at much privat pains for securing the votes...' It is uncertain why the chancellor decided to delete part of his narrative.

⁹³⁸ NAS GD 406/1/9088.

By the beginning of May 1701, Hamilton, assisted by William Fraser, second lord Saltoun and Alexander Duff of Braco, was attempting to secure the vacant Banff seat for his brother Lord Basil – one of only six vacancies prior to the final session of Parliament. However, Alexander Leslie – apparently a sympathetic burghess – reported that ‘...I found it impossible to gett my Lord Basil elected in respect of ane act of town councill restricting the election to ane inhabitant within the burgh...’, adding that he hoped to carry the election himself.⁹³⁹ In order to achieve this he would have to defeat Sir Alexander Ogilvie of Forglen, Seafild’s cousin, put forward as the recognised court candidate. Saltoun was apprehensive, considering that ‘...Seafild being Shirref of the shire and his estate near that headbourgh, his father needs want no opportunity eather by threning or fair promises to press thes little burgors to choys who he pleases...’⁹⁴⁰ In this instance, as previously illustrated, regional jurisdiction was of some importance in having Forglen returned as commissioner. Nonetheless, the opposition concentrated their main effort on obtaining a new Parliament, the death of the King in March 1702, presenting that opportunity. Despite the intercession of the country party, Queen Anne instructed that there would be no new general election, and the estates would meet in accordance with the seventeenth act of the sixth session of the Convention Parliament. This caused a dilemma for the opposition, ‘...whither it were fittest for them in persuanee of what they had declared as to the illegality of the meeting to sitt still in the house, or remove and dissent from all they were to doe as not sufficiently impowered to act...’⁹⁴¹ It was argued that by removing from Parliament the court would have free rein, and ‘...would look lyke the quitting the field and so

⁹³⁹ NAS GD 406/1/5003.

⁹⁴⁰ NAS GD 406/1/4870.

⁹⁴¹ NLS 7036/124.

prove a discouragement to the countrey...'⁹⁴² On the contrary, others were of the opinion their attendance would imply that they recognised the authority of the meeting, and even though they opposed every court initiative, '...all debates necessarily at last ending in a vote...they were certaine to lose not having the majority...'⁹⁴³ In this respect, the opposition resolved on the former course of action. The Parliament met on 9 June 1702, Hamilton immediately desiring to be heard. He acknowledged the authority of the Queen, but questioned the legality of the session on the basis that '...by the fundamental laws and constitution of this kingdom, all parliaments do dissolve by the death of the King or Queen...'⁹⁴⁴ Hamilton took instruments and craved an extract of his protestation, which was adhered to by a further seventy-nine members of Parliament.⁹⁴⁵ Withdrawing on mass from the house '...they were huzzad by the mob all the way as they went to the Cross Keys tavern where, being met they resolved on an address...' in favour of a new Parliament, founded on the article of the claim of right concerning frequent Parliaments.⁹⁴⁶ The surviving copy of the address located among the Tweeddale manuscripts was signed by seventy-five of those who removed from Parliament, although of additional significance is the partial duplicate of an equivalent document subscribed by one hundred and seventy-three 'Barrons and Gentlemen'.⁹⁴⁷ This is consistent with the anonymous author of the former account, who observed that the address was owned by '...near 300 barrons and gentlemen occasionally in

⁹⁴² NLS 7036/124.

⁹⁴³ NLS 7036/124.

⁹⁴⁴ D. Szechi, (ed.), *'Scotland's Ruine' Lockhart of Carnwath's Memoirs of the Union*, (Aberdeen, 1995), 13-14.

⁹⁴⁵ *Ibid.*, 14; NLS 7036/124. Carnwath's account of the 1702 parliament states that seventy-nine members withdrew in addition to Hamilton. An alternative manuscript account in the Yester manuscripts reports that Hamilton '...withdrew, as lykewise did severall other noblemen and other members to the number of 70 adhering to him, which 9 more of the members not then come up did afterwards making in all 88, so that ther remain in the house 110, who above 80 had places or pensions...'

⁹⁴⁶ NLS 7036/124; 7036/119.

⁹⁴⁷ NLS 7036/119; 7036/121.

towne, and the dean and faculty of advocats...'⁹⁴⁸ It is uncertain whether or not this influenced the decision to call a new Parliament, however there is less doubt concerning the opposition backlash evident in the electoral return for the succeeding general election. In this respect it is perhaps possible to consider the opposition campaign of 1698-1702 as a limited success.

In conclusion, what can be discerned from Scottish politics of the later seventeenth early eighteenth century? Undoubtedly, the regional jurisdiction of the nobility and gentry had a significant bearing on the course of local electoral politics, and a comparative impact on the composition of Parliament. However, throughout this period elections were fought in a far more comprehensive and cohesive manner. There is an obvious comparison with the general election of 1688 – 1689, where contest between Jacobite and Revolutioner candidates has been regularly identified. Nonetheless, in that instance the division was more fluid than in the period 1698 – 1702, where it is possible to accurately position elections – contested or otherwise – within a two party system. Riley contends that in contemporary English politics, party groupings were organised forces that influenced policy and accumulated patronage. In contrast Scottish legislation was dictated from London, and by association politics were devoid of any real responsibility. Likewise he argues that in Scotland there was no equivalent structure, decision being based entirely on self-interest or resentment rather than party. He concedes that the situation in Scotland superficially resembled that of England, with both court and country holding mixed political beliefs, but there is no further likeness.⁹⁴⁹ The opposition in particular represented diverse political opinion, but whatever motivated an individual, it can be argued that throughout the period, party

⁹⁴⁸ NLS 7036/124.

⁹⁴⁹ Riley, *King William*, 141-142.

took precedence over personal sentiment. To argue that the Scots were incapable of similar organisation to that evident in the contemporary English Parliament is to reinforce the traditional stereotype of the rapacious Scottish elite. In this respect Riley seems reluctant to accept that not all decisions can be qualified in terms of material gain. Had this been the case, the court would have enjoyed a far more substantial majority in the second session of 1700. In addition, the period 1698 – 1702 featured a prolonged electoral campaign, a practical if not essentially ideological legislative programme, extra-parliamentary meetings, petitioning, political propaganda, regional intervention, consistent support and cohesive leadership – which, with regards the opposition was strongly linked by kinship. On the whole, perhaps what has hampered the prior identification of party politics in Scotland is the fact there was no equivalent to the English triennial act. There was no new Parliament called every three years, and therefore less opportunity for participation in politics. This is evident in the fact that popular support for the opposition – indicated by their regular success in securing available places made vacant primarily by the death of a serving member – did not translate to Parliament on a larger scale, because there was no general election. This does not mean that a party system did not exist, but it is essential to look harder. In this respect an observation of Lord Basil Hamilton provides a suitable conclusion. He wrote to his brother ‘...amongst us a mans own merit and deserving will not carry him through unless he have a party...’⁹⁵⁰

⁹⁵⁰ NAS GD 406/1/7774.

CHAPTER 7

Legislation 1689 - 1702

By definition Parliament is the legislative body of the state. Paradoxically, little of what has been written on this institution has considered legislation – at least not the routine legislation that accounted for much of daily business. For most, this has proven secondary to procedural and constitutional development. However, analysis of Parliament is incomplete without some understanding of what it actually did. In this respect, what was the legislative record of the Convention Parliament? Was the instrument of government adopted in 1689 a revised constitutional settlement that imposed new limits on the crown? Can the legislation passed from 1689 – 1702 be used to restore the reputation of King William's Scottish Parliament? In an attempt to establish this, legislation will be analysed session by session – categorised under ten main headings: government; defence; religion; private; social; finance; financial administration; civil law; criminal law; and legal administration.⁹⁵¹ Establishing the nature and amount of legislation, the more interesting acts will receive further attention to elucidate the proceedings of the Convention Parliament.⁹⁵²

The most important legislation concluded in the Convention relates to the settlement of the crown. In general, Scottish historians have accepted that the Claim of Right was a condition of the Prince of Orange's succession, ushering in an era characterised by

⁹⁵¹ J. Hoppit, 'Patterns of Parliamentary Legislation, 1600 – 1800, *Historical Journal*, 39, (1996), 109-131. This article on contemporary English legislation influenced the final categories – which, as far as possible, are consistent with the categorisation adopted by the Scottish Parliament Project.

⁹⁵² The approach has a number of associated problems. In most instances legislation can be placed in two or more categories, and in compiling statistics a certain amount of discretion must be exercised. Similarly there is no agreement over what constitutes legislation. For example, the numerical system adopted by Thomson does not include acts confirming former privileges etc. In this respect, there are a number of discrepancies. With regards public legislation, where there is doubt, the criteria of longevity and broad application have been considered decisive.

the increased independence of Parliament.⁹⁵³ However, there has been little analysis of the course or content of the document. In comparison, several authors have commented on similar aspects of the English settlement – providing contrasting interpretations of the Declaration of Rights. Both T. B. Macaulay and G. M. Trevelyan – espousing the traditional ‘old Whig’ view of the Glorious Revolution – accepted that the document was contractual and imposed legal restrictions on the King, but emphasised that it contained no new law and simply reaffirmed the established liberties of the nation.⁹⁵⁴ L. Pinkham was the first to contest this thesis, asserting that the Declaration placed no new limits on the monarch – the Revolution resulting in a change of King not the nature of kingship.⁹⁵⁵ H. Horowitz has acknowledged that the Declaration was an implied contract, but identified no clearly conceived or fully conscious constitutional design.⁹⁵⁶ Like D. L. Smith, Horowitz considered a number of factors that altered the relationship between crown and Parliament. Of these, both agree that the financial settlement, augmented by Britain’s involvement in a protracted continental war, realigned the balance of power as much as supposed constitutional reform.⁹⁵⁷ In contrast, L. G. Schworer’s extensive study of the Declaration from its immediate political context, asserts that the document was an integral part of the settlement, ‘...creat[ing] a blueprint for kingship different from that exercised by previous Eng-

⁹⁵³ R. S. Rait, A History of England and Scotland to the Union of the Kingdoms in 1707, (London, 1920), 259-260; The Parliaments of Scotland, (Glasgow, 1924), 96-101; W. Ferguson, Scotland 1689 to the Present, (Edinburgh, 1968), 4-6; Scotland’s Relations with England a Survey to 1707, (Edinburgh, 1977), 172; T. C. Smout, ‘Union of the Parliaments’, in G. Menzies (ed.), The Scottish Nation, (London, 1972), 150-151; R. Mitchison, Lordship to Patronage Scotland 1603 – 1745, (Edinburgh, 1983), 117-118; M. Lynch, Scotland a New History, (London, 1991), 302-303; A Murdoch, ‘Convened to Choose a King’, Scotland’s Story, 27, (Glasgow, 2000), 5-6; J. Simpson, ‘William of Orange’, Scotland’s Story, 28, (Glasgow, 2000), 20-21.

⁹⁵⁴ T. B. Macaulay, History of England from the Accession of James II, C. H. Firth (ed.), (6 Vols., Oxford, 1913-15); G. M. Trevelyan, The English Revolution 1688-89, (New York, 1939).

⁹⁵⁵ L. Pinkham, William III and the Respectable Revolution – The Part Played by William of Orange in the Revolution of 1688, (Cambridge, Mass., 1954).

⁹⁵⁶ H. Horowitz, Parliament, Policy and Politics in the Reign of William III, (Manchester, 1977), 85, 88.

⁹⁵⁷ D. L. Smith, The Stuart Parliaments 1603 – 1689, (London, 1999), 163-166.

lish rulers'.⁹⁵⁸ Nevertheless, this required substantial compromise in order to satisfy the Prince of Orange and assuage the conservative sensibilities of Tories in both Houses. This is illustrated by the fact that only eleven of the original twenty-eight Heads of Grievances – the first draft of the document – survived in the thirteen articles of the Declaration, the more contentious dropped or amended.⁹⁵⁹ This appears to have convinced a number of historians that the Declaration was inherently conservative.⁹⁶⁰ However, Schwoerer has shown that eight of the thirteen articles were not based on 'ancient rights' and 'liberties' as stated in the final draft – principally those concerning the suspending and dispensing powers; a standing army without consent of the estates; the freedom of Parliament; excessive bail; and frequent meetings of Parliament.⁹⁶¹ She concludes that despite concession and the document's resultant ambiguity, '...the political and constitutional principles that underlay the Declaration of Rights remained those that informed the Heads of Grievances...', influenced by political and ideological choice – part of an established libertarian reforming tradition dating back to the Civil War and Commonwealth.⁹⁶² Negotiation was an essential component of the Declaration's success, allowing '...Tory members to believe that James remained King by right even if William and Mary were monarchs in fact, and Whig members to believe that James had broken his contract and that a new contract

⁹⁵⁸ L. G. Schwoerer, *The Declaration of Rights, 1689*, (Baltimore, 1981), 281; 'The Bill of Rights, 1689, Revisited', in D. Hoak and M. Feingold (eds.), *The World of William and Mary – Anglo-Dutch Perspectives on the Revolution of 1688 – 1689*, (1996), 44.

⁹⁵⁹ L. G. Schwoerer, *The Declaration of Rights, 1689*, (Baltimore, 1981), 24, 300-301. These included the clauses concerning the militia; interrupting parliament before essential business was concluded; the duration of parliament; abuses in the appointment of sheriffs; the buying and selling of office; irregularities in collecting the hearth money and excise; and the reformation of the justice courts.

⁹⁶⁰ H. Nenner, 'Constitutional Uncertainty and the Declaration of Rights' in B. Malament (ed.), *After the Reformation: Essays in Honour of J. H. Hexter*, (Philadelphia, 1980); J. R. Jones, *The Revolution of 1688 in England*, (London, 1972); L. Stone, 'The Results of the English Revolutions of the Seventeenth Century', in J. G. A. Pocock (ed.), *Three British Revolutions*, (1980).

⁹⁶¹ L. G. Schwoerer, *The Declaration of Rights, 1689*, (Baltimore, 1981), 283.

⁹⁶² *Ibid.*, 286; Holmes, *Great Power*, 214-215.

had been drawn up'.⁹⁶³ These sentiments are also evident in the revised coronation ceremonial. Considerable efforts were made to present an outward display of tradition and continuity, in order to appease the Tories and stress the legitimacy of the new regime. Even so, the oath was subject to careful revision, assuming an overtly Protestant tone, altering the King's promise to '...grant and keep and...confirm to ye people of England ye Laws and Customs to them granted by ye [preceding] Kings of England...', to acknowledge that he ruled '...the people of England and the dominions thereunto belonging, according to the statutes in Parliament, agreed on, and the laws and customs of the same'.⁹⁶⁴ The contractual nature of the Revolution settlement is clearly identifiable in Parliament's role as the originator of laws and customs – a role formerly ceded to the King.

In Scotland preparation of an equivalent manifesto began on 27 March following the nomination of a committee for settling the government. Numbering eight of each estate, the committee included five émigrés – Archibald Campbell, tenth earl of Argyll; George, fourteenth earl of Sutherland; Henry Erskine, third lord Cardross; George, first lord Melville; and Sir Patrick Home of Polwarth, 2nd Bt. Of the remainder, William Lindsay, eighteenth earl of Crawford; Robert Ker, fourth earl of Lothian; Adam Cockburn of Ormiston; Sir William Scott of Harden, Kt.; William Blair of that Ilk; Sir James Montgomerie of Skelmorlie, 4th Bt.; Ludovic Grant of that Ilk; and Mr. William Hamilton of Whitelaw; had legitimate grievances with James VII – Crawford, Ormiston, Blair, Skelmorlie and Whitelaw, considered leaders of the '...Presbyterian and

⁹⁶³ D. L. Smith, *The Stuart Parliaments 1603 – 1689*, (London, 1999), 164.

⁹⁶⁴ L. G. Schwoerer, 'The Coronation of William and Mary, April 11, 1689', in L. G. Schwoerer (ed.), *The Revolution of 1688 – 1689, Changing Perspectives*, (Cambridge, 1992), 123. For example, substantial efforts were made to illustrate Mary's role as a regnant queen, while due recognition was given Charles II, in an attempt to highlight permanence and stability.

discontented party...’ in 1688.⁹⁶⁵ Only John Murray, first marquis of Atholl; George Mackenzie, first viscount of Tarbat; and Sir John Dalrymple of Stair, Kt., were associated with the former regime, although both the latter actively promoted the Prince of Orange’s interest.⁹⁶⁶ The fact that those chosen to serve on the committee were elected by a majority of fifty-four – more than a quarter of the Convention – provides an accurate representation of the tenor of the house.⁹⁶⁷ By the end of the month the committee had concluded that the throne was vacant, but were divided as to the reason. One contemporary observer commented that ‘...they seem to incline not to insist much or only upon the Head of Desertion or Abdication, but on the Head of Male-Administration; and some seem to incline, that the Crown be not confirmed by way of Translation, but by Succession to the Queen of England, and to the King Jure Mariti only the Administration during his Life; others would confer the Crown with an Union of both Nations; others are first for settling the Crown, and then to treat of the Union’.⁹⁶⁸

This is reminiscent of deliberation in the English Convention, where parties contested the language of the Declaration, debating the terms ‘abdicated’, ‘deserted’ and ‘demised’, before finally settling on the abdication and vacancy resolution. Likewise, the Earl of Danby had initially favoured the recognition of Mary as the King’s hereditary successor, while a substantial number of loyalist peers – critical of what they considered elective monarchy – adhered to Laurence Hyde, first earl of Rochester’s pro-

⁹⁶⁵ Balcarres, 12-13. The membership of the committee is similar to that of the comparable English rights committees which were decidedly Whig.

⁹⁶⁶ *Ibid.*, 33.

⁹⁶⁷ *Proceedings*, I, 19. For an account of the unusual method of electing the committee see chapter nine. Of those not specifically mentioned above, all seem to have endorsed the Revolution. This position was consolidated on 30 March, with the addition of John Hay, second Earl of Tweeddale, Duncan Forbes of Culloden and Hugh Brown - commissioner for Inveraray. Likewise, on 5 April, William Johnstone, second Earl of Annandale and John Cochrane, second Earl of Dundonald, replaced the absent Atholl and Tarbat.

⁹⁶⁸ *Ibid.*, 21-22.

posals, for the creation of a regency in James's name during his lifetime.⁹⁶⁹ These issues were first considered by the Scots political elite present in London at the end of 1688. Considering a comment of John Hay, second earl of Tweeddale, it seems there was limited support for the latter design. He observed that Sir Francis Scott of Thirlestane, 1st Bt., '...much concerned for a treaty between the king and prince...', had damaged the prospect of his election in Selkirkshire by adhering to a potential regency.⁹⁷⁰ However, the full extent of support for this unpopular resolution is impossible to determine.

The proposed Union '...which so many of the nobilitie and gentry when here at London were so much inclined to...', proved as divisive as it had on former occasions since 1603.⁹⁷¹ Not without support, the proposition was unpopular with the Presbyterian Church, who '...feared such a Union with a nation where the Episcopal Church might be pernicious to their Kirk, which they intended not only to establish upon the old footing, but according as they had formerly done, endeavour the reformation of their brethern in England'.⁹⁷² Nevertheless, it is difficult to establish contemporary attitudes towards Union.⁹⁷³ For instance, on 8 January 1689, Andrew Fletcher of Saltoun, champion of constitutional reform and defender of Scottish parliamentary sovereignty, wrote '...I think we can never come to any true settlement but by uniting with England in Parliaments and Trade, for as for our worship and particular laws we can certainly never be united in these'.⁹⁷⁴ Fletcher's most recent biographer, P. H. Scott,

⁹⁶⁹ M. Kishlansky, *A Monarchy Transformed, Britain 1603 – 1714*, (London, 1996), 284-285; H. Horowitz, *Parliament, Policy and Politics in the Reign of William III*, (Manchester, 1977), 10-11.

⁹⁷⁰ N.L.S., 7011/137; 7011/149.

⁹⁷¹ APS, IX, 8.

⁹⁷² Balcarres, 33.

⁹⁷³ T. C. Smout, 'The Road to Union', in *Britain After the Glorious Revolution*, G. Holmes (ed.), (London, 1969), 183-184. Smout contends that at this time there was strong sentiment in favour of Union, although W. Ferguson has challenged this.

⁹⁷⁴ NAS, Misc. 260/1.

asserts that the reference to ‘union’ does not necessarily imply the ‘incorporating’ union that Fletcher energetically opposed between 1703 – 1707.⁹⁷⁵ Instead, he suggests a possible federative union, favoured by the Covenanters, and proposed by the Scots commissioners in 1706. While this is a possible explanation of Fletcher’s observation, a draft act ‘...to have been past by the Convention of Estates...’, demonstrates that others envisaged a settlement similar to that concluded in 1707. The author of the document is unidentified, although the fact that it forms part of the Leven and Melville collection may indicate its origin. That the act studiously avoids any explicit reference to ‘vacancy’, considering union the most suitable means of securing the kingdom, probably indicates that it dates from the period 4 – 11 April – after the throne was first found vacant and before the Claim of Right was adopted as a suitable instrument of government. Contractual in nature, the ‘Act of the Estates of Scotland Establishing the Government thereof’, declared ‘...that this nation is and ever hath been a free commonwealth under no despotick or arbitrary government but by a monarchy, governable only by law comprehending long and free customes...’ Similarly, it stressed that as ‘...the then Duke of York aire apparent to the croun did not take [the coronation] oath at the entry to his government...was never crowned, and thereby refused that stipulation on his part which the law requyred...’, his share of an implicit agreement was unfulfilled.⁹⁷⁶ In addition, it was established ‘...that our Kings could not warrantable leave us to reside elswher without *our consent*, yet such was our deference to some of our Kings after they became Kings of England *to suffer* them to re-

⁹⁷⁵ P. H. Scott, *Andrew Fletcher and the Treaty of Union*, (Edinburgh, 1992), 44-45.

⁹⁷⁶ This was similar to the proposal of Sir James Dalrymple, 1st Bt., who wrote to George, Lord Melville on 9 April 1689, claiming that ‘...the solid ground is, that the conventione, as representing the body politick, did declair, that seeing [the King] had violat his pairt of the mutuall engagements, they were frie of ther pairt, for they could not fall on the on pairt without fredome to the other to liberat themselves...’ *Leven and Melville Papers*, 9-10.

side there...'⁹⁷⁷ However, this left the Scots without ready access to the King – absentee monarchy believed to be ‘...to the benefite of England, who communicat to us no benefite of trading with them or their plantations more then to any other strange nation...’⁹⁷⁸ Considering that ‘...wee doe live in the bowells of the same Island, have the same language, and the same common interest for religion and liberty, and the same friends and foes...’, the document proposed that ‘...the body politick of this nation be...unite with the body politick of England...’⁹⁷⁹ Even so, express provision was made for the perpetual maintenance of Presbyterian church government. In return, it was conceded that all public impositions were to continue as they were in England, providing ‘...allwayes that the proportion of members in both houses of parliament of the unite kingdom to serve for Scotland shall be the twentieth part, to witt ten peers in the house of peers, fifteen knights of shyres and twelve burgesses of burroughs in the house of commons, as shall be ordered by us dureing this meeting, and that the proportion of the ascessments and of all aides and taxes upon lands and burroughs shall in no tyme exceed the twentieth part of what shall be imposed upon the united kingdom...’⁹⁸⁰ Bearing in mind that the Scottish commissioners for Union in 1706 demanded fifty seats in a British Parliament – accepting a compromise whereby Scottish representation was set at twelve to one, with forty-five members in the House of Commons and sixteen elected noblemen in the House of Lords – the negligible representation stipulated in the draft act is surprising, and unlikely to have appealed to a broad cross-section of the political elite.⁹⁸¹ Perhaps this explains why the act never made it past the committee for settling the government, although it is conceivable that

⁹⁷⁷ NAS, GD 26/7/201. The italics are mine.

⁹⁷⁸ Ibid.

⁹⁷⁹ Ibid.

⁹⁸⁰ Ibid.

⁹⁸¹ W. Ferguson, *Scotland's Relations with England a Survey to 1707*, (Edinburgh, 1977), 236.

it was rejected on the grounds that it did not offer the unequivocal constitutional settlement envisaged by the Convention?

In order to resolve the deadlock, Polwarth, Skelmorlie, Dalrymple and Whitelaw, were named as a subcommittee to prepare acceptable reasons for vacancy.⁹⁸² Reporting to the full committee on 1 April, it was observed that ‘...some were for abdication, as had been done in England, but that could not pass, as the most violent could not pretend you had abdicated Scotland; others were for making use of an old obsolete word, ‘Fore-letting’, used for a bird’s forsaking her nest...’ Nevertheless, Sir John Dalrymple, Kt., disputed both these propositions ‘...declar[ing] that, by doing acts contrary to law, you had forfeited your right to the Crown...’⁹⁸³ Being put to the vote the recommendation of the subcommittee was unanimously approved.⁹⁸⁴ The reasons for vacancy – which for the most part are identical to the clauses of the Claim of Right – were brought into the Convention on 3 April, where ‘...after consideratione and debatinge at lenth upon the severall reasons, the further consideration therof was delayed...’⁹⁸⁵ Discussion resumed the following day, each reason debated individually before being considered as a whole. Only twelve dissented⁹⁸⁶ – including the seven bishops then in attendance; Henry, tenth lord Sinclair; Sir Patrick Ogilvie of Boyne, Kt.; Sir George Mackenzie of Rosehaugh, Kt.; and Mr. James Ogilvie, second son of James, third earl of Findlater⁹⁸⁷ – the Convention declaring ‘...that King James the Seventh being a profest papist Did assume the Regall power and acted as King with-

⁹⁸² *Proceedings*, I, 21-22.

⁹⁸³ Balcarres, 35.

⁹⁸⁴ *Proceedings*, I, 24.

⁹⁸⁵ *APS*, IX, 33.

⁹⁸⁶ *Proceedings*, I, 26.

⁹⁸⁷ Balcarres, 35; Riley, *King William*, 8. Quoting Balcarres, Riley contends that the vote attracted five dissenting voices. However, Balcarres only refers to four individuals who opposed the vote, including the Archbishop of Glasgow. He does not include Sinclair, mentioning that he retired some days earlier, although it is often noted that he was the only Scots nobleman to oppose the vacancy.

out ever takeing the oath required by law, and hath by the advyce of evill and wicked Councillors, Invaded the fundamentall Constitution of this Kingdome, and altered it from a legall limited monarchie to ane arbitrary Despotick power, and hath exercised the same to the subversione of the Protestant religion and the violation of the lawes and liberties of the natione, Inverting all the ends of Government, Wherby He hath Forefaulted the right to the Croune and the throne is become Vacant'.⁹⁸⁸ This concluded, William Douglas, third duke of Hamilton – president of the meeting – proposed that the crown should be settled on the Prince and Princess of Orange – now King and Queen of England – and that an act should be brought in from the committee for that purpose, including an appropriate instrument of government. William Douglas, first duke of Queensberry and John Murray, first marquis of Atholl, both of whom had absented from the first vote, '...told the house that they were not fully convinced of their own right of declaring the Crown vacant, but, since the estates had done it, they thought none deserved so well to fill it as the Prince and Princess of Orange'.⁹⁸⁹ Consequently, Colin Lindsay, third earl of Balcarres noted that the second resolve, concerning the destination of the throne, passed more unanimously than the first.

On the whole, historians have rightly considered 'forfeiture' a distinguishing feature of the Scottish and English settlements. For R. S. Rait it '...was the natural term to express the newly-born or re-born constitutionalism of the Scottish Whigs'.⁹⁹⁰ Similarly, G. Holmes has asserted, that imbued with Scots logic, the resolution that the King '...had forfeited the crown by his misgovernment, quite unlike the abdication

⁹⁸⁸ Balcarres, 35.

⁹⁸⁹ Ibid., 36.

⁹⁹⁰ R. S. Rait, *The Parliaments of Scotland*, (Glasgow, 1924), 96-101.

fiction concocted by English parliamentarians, fudged no embarrassing issues'.⁹⁹¹ The notable exception is B. Lenman, who considers the settlement '...not a radical but a conservative interpretation, drawn from technical feudal law'.⁹⁹² This is part of a general thesis contending that the Scottish political nation was apathetic to the Revolution, an event characterised by an almost complete absence of political theory.⁹⁹³ On the contrary, the declaration that James VII had 'forefaulted' the right to the throne by invading the constitution, forcibly altering the government from a limited to an absolute monarchy, thus breaking the contract between crown and nation implicit in the coronation oath – an oath he had never taken – could be lifted directly from George Buchanan's 'De jure regni', first published in 1579. This stressed that the monarch was accountable to the nation and subject to law. Through his actions James had circumvented the law and it was therefore legitimate to depose him.⁹⁹⁴ Similar comparison can be made with Samuel Rutherford's 'Lex, Rex', published in 1644. Described as '...the leading theoretician of the Covenanting Kirk...',⁹⁹⁵ Rutherford reasserted the notion that God conferred power on the nation, who then delegated that power to a magistrate. If the contractual agreement was broken, the nation retained the right to resist a tyrannical ruler.⁹⁹⁶ Influenced by natural law theorists and sixteenth century Calvinist and Jesuit opponents of divine right theory, J. Coffey has shown that little of

⁹⁹¹ Holmes, *Great Power*, 218.

⁹⁹² B. Lenman, 'The Poverty of Political Theory in the Scottish Revolution of 1688 – 1690', in L. G. Schwoerer (ed.), *The Revolution of 1688 – 1690 – Changing Perspectives*, (1992), 255.

⁹⁹³ See also B. Lenman, 'The Scottish Nobility and the Revolution of 1688 – 1690', in R. Beddard (ed.), *The Revolutions of 1688*, (Oxford, 1991), 137-162; I. B. Cowan 'The Reluctant Revolutionaries: Scotland in 1688'. In E. Cruickshanks (ed.), *By Force or By Default? The Revolution of 1688 – 1689*, (1989), 65-81.

⁹⁹⁴ R. A. Mason, 'George Buchanan, James VI and the Presbyterians', in R. A. Mason (ed.), *Scots and Britons. Scottish Political Thought and the Union of 1603*, (Cambridge, 1994), 116-117.

⁹⁹⁵ M. Lynch, *Scotland a New History*, (Edinburgh, 1991), 251.

⁹⁹⁶ J. Coffey, 'Samuel Rutherford and the Political Thought of the Scottish Covenanters', in J. R. Young (ed.), *Celtic Dimensions of the British Civil Wars*, (Edinburgh, 1997), 77; J. D. Ford, 'Lex, Rex Iusto Posita: Samuel Rutherford on the Origins of Government', in R. A. Mason (ed.), *Scots and Britons. Scottish Political Thought and the Union of 1603*, (Cambridge, 1994), 262-290.

‘Lex, Rex’ is original.⁹⁹⁷ However, both Buchanan and Rutherford are part of a long tradition of constitutional theory, which in Scottish terms may have its origins in the 1320 ‘Declaration of Arbroath’. Historians are divided over the significance of the passage that states ‘...if he [Robert I] should give up what he has begun...we should exert ourselves at once to drive him out as our enemy, and a subverter of his own rights and ours, and make some other man who was able to defend us our King’.⁹⁹⁸ Indicative of elective and contractual kingship, the numerous complexities characteristic of the academic debate, are not of immediate concern. Neither are the finer points that distinguish the theories of Buchanan and Rutherford. What is important is that the Revolution settlement can be seen as a component of this enduring process. Though not innovative – like most political theories the content of the Claim of Right was derived from earlier sources – the settlement can lay claim to established historical precedent. It is impossible to establish if these influences conditioned the committee recommendation that formed the basis of the Claim, although it is reasonable to assume that the majority of the Convention were familiar with the essential debate. Consequently, the lack of original constitutional deliberation does not necessarily imply the absence of political thought. There was no need to find new justification for Revolution, its proponents inheriting appropriate logic that proved suitable for their purpose.

It is possible to test this notion through analysis of an incomplete draft copy of the Claim of Right. On 11 April, the document – prepared by the committee for settling the government – was brought into the Convention, ‘...read severall tymes, and after

⁹⁹⁷ J. Coffey, ‘Samuel Rutherford and the Political Thought of the Scottish Covenanters’, in J. R. Young (ed.), *Celtic Dimensions of the British Civil Wars*, (Edinburgh, 1997), 77.

⁹⁹⁸ T. Brotherstone and D. Ditchburn, ‘1320 and A’ That: The Declaration of Arbroath and the Remaking of Scottish History’ in T. Brotherstone and D. Ditchburn (eds.), *Freedom and Authority, Scotland c.1050 – c.1650*, (Edinburgh, 2000), 22.

Diverse amendments made therein was putt to the vote and approven...⁹⁹⁹ The resultant Claim consists of two parts. The first follows the reasons for declaring the throne vacant, highlighting the deficiencies of James VII's reign, recalling instances of how he had 'invaded' the constitution. The second cites twenty-four acts of the former government that the Convention considered 'contrary to law'. The manuscript copy is evidently an earlier draft of the latter section. From the beginning it is obvious that the draft is less diplomatic. Where the concept of contractual kingship is implicit in the preamble of the Claim, the manuscript is explicit. Reminiscent of Buchanan, it contends '...that the late style and phrase made use of in several acts of parliaments viz That our Kings Doe hold their Crouns immediately from god almighty alone Is fals and Introductive of Tirrany, And that the Regal power Is a trust from God and the people, to Protect and Govern the People in Righteousness for the Glory of God and their Good'.¹⁰⁰⁰

Both versions contain related clauses debarring Roman Catholics from the succession, and condemning the absolute power '...to dispense with, suspend or disable lawes [as] tirranous and contrary to the fundamental constitution of the kingdom'.¹⁰⁰¹ In addition each contains provision for the abolition of prelacy, although the draft includes the proviso that subsequently '...they nor any other as representing the church be admitted to vote in parliament'.¹⁰⁰² To further refine this arrangement, it was stipulated

⁹⁹⁹ APS, IX, 38.

¹⁰⁰⁰ NAS, GD26/7/202. This document is the only known surviving draft of the Claim of Right, although others undoubtedly existed. While it is difficult to establish the level of support for any of the provisional clauses, contemporary debate and political pamphlets, would suggest that all aspects of the Revolution settlement attracted considerable attention.

¹⁰⁰¹ Ibid.

¹⁰⁰² Ibid. In addition, the manuscript made provision for the payment of stipends, the abrogation of patronages and that '...due liberty be provided for dissenting protestants and the sanguinary lawes against papists revised...' Neither appears in the final draft which contains several clauses prohibiting the erection of Jesuit colleges and chapels, the mass, Catholic tracts, pensions for priests, Catholic education, disarming Protestants and employing Catholics in places of public trust.

that ‘...hereafter the thrie Estates be understood to be the nobility, the commissioners for shires and the commissioners for burghs’, an accepted fact of the post 1689 Parliament, although never explicitly clarified.¹⁰⁰³ Likewise, both feature several clauses concerning legal administration and feudal casualties. The largest part seem to be covered in the earlier draft by the general recommendation ‘...that a commission be given for reformation of our lawes and Courts of Justice, and the methods and fees of these Courts and of their clerkes and servants be regulat’.¹⁰⁰⁴ However, various articles receive special attention, particularly treason, forfeiture, torture, imprisonment, judicial reform, criminal trials, excessive fines, bail, the right of all subjects to petition the King, and civil debt – to much the same purpose in each.

Frequent Parliaments were considered essential ‘...for the amending, strengthening and preserving of the lawes...’, with the addition that ‘...freedom of speech and Debate [be] secured to the members’.¹⁰⁰⁵ Even so, the manuscript contains the further specification that Parliament meet ‘...once in the tuo or thrie years at most, and a sure Course laid Down for their meeting and sitting for a certain space, and that their acts agried to by the whole house or by the thrie parts of four thereof, be necessarily touched and passed be the king’.¹⁰⁰⁶ Comparable to the equivalent article in the Eng-

¹⁰⁰³ Ibid. Reform of the elected estates is implicit in the clause concerning the ‘...nomination and imposing the magistrats, councils and clerks upon burghes...’, and the ‘Grievance’ ‘...that all grievances relating to the manner and measure of the leidges ther representatione in parliament be considered and redressed...’ This is substantially different from provision in the draft, stipulating ‘...that no nobleman (to be made hereafter) be admitted as a peer, Except he have a Thousand pounds starling yearly of free estate and be created with consent of parliament’. Likewise, the franchise would be extended to ‘...all landed men having estates of value of ffour hundreth poundes scots yearly of valued rent...(whither they hold of the king or not)...and that the burgesses be elected by all householders living within burgh and inrolled in the rolls to be made for that effect...’ The first is reminiscent of Covenanted legislation passed in June 1640, establishing a financial qualification for English noblemen created Scots peers by Charles I. The affect of the second, had it been implemented, is difficult to establish. However considering the recent poll elections in the burghs, it is possible that some envisaged a more collective – perhaps even democratic – form of government.

¹⁰⁰⁴ Ibid.

¹⁰⁰⁵ APS, IX, 38.

¹⁰⁰⁶ NAS, GD26/7/202.

lish Declaration – with the exception of the latter condition – if accepted the clause would have significantly enhanced the power of Parliament. For instance, the incapacity act, debarring from public office all associated with the former government, was passed by seventy-four votes to twenty-four on 2 July 1689. Even so the King refused to give his assent.¹⁰⁰⁷ Had the manuscript clause been included in the Claim, the crown's veto power would have been questioned, dealing a substantial blow to the royal prerogative. This theme is continued in the proposition '...that seing the king and his commissioner sitt in parliament, for the greater freedom of voteing, It be done by ballot'.¹⁰⁰⁸ Seemingly a unique condition, it is uncertain whether it can attributed to an earlier period. Nonetheless, its inclusion is almost certainly a reaction to the treatment of those who opposed toleration in the former Parliament, a significant number of whom lost office as a result. In addition, further failed clauses support the existence of a methodical campaign to elevate the status of Parliament. For example, the role of the Privy Council would be entirely administrative, '...limited to the keeping of the peace and seing the lawes and acts of parliament put in execution...'¹⁰⁰⁹ Likewise, the assertion that '...the power of peace and war, specially of making war be only in King and Parliament...', was equivalent to legislation passed in 1703 in response to the act of settlement. In theory, this would have given the Scottish estates the option to opt out of British foreign policy – a considerable lever in their relationship with the crown.¹⁰¹⁰ This was supplemented by the proposal that it was illegal to maintain a standing army without the consent of Parliament, and that '...all free quarter be most severely discharged'. Included in the Claim and Articles of Grievances, this never be-

¹⁰⁰⁷ I. B. Cowan, 'Church and State Reformed? The Revolution of 1688 – 1689 in Scotland', in J. I. Israel (ed.), *The Anglo – Dutch Moment: Essays on the Glorious Revolution and Its World Impact*, (1991), 168.

¹⁰⁰⁸ NAS GD 26/7/202.

¹⁰⁰⁹ Ibid.

¹⁰¹⁰ Ibid.

came a statute, causing considerable consternation in the period 1698 – 1702.¹⁰¹¹ The enhanced role envisaged for Parliament is equally evident in the clause stipulating that ‘...all exacting or levying money upon any account whatsoever, without authority of parliament, be discharged’. However, this article was only partly included in the final draft, Parliament’s approval necessary for giving gifts or grants for raising money. In contrast, the representation that no oaths be imposed without the authority of the estates, appears in both copies of the document. Though by and large, the above formed no part of the eventual Claim of Right, all can be considered part of a common design intended to initiate substantial constitutional reform.

This theme is also noticeable in several articles associated with the constitutional settlement of 1640 – 1641. For example, in June 1640, following the abolition of the clerical estate, Parliament passed the triennial act stipulating that they should meet at least once every three years – comparable to the pertinent clause detailed above. Likewise, the committee of articles was deemed optional, a procedural innovation that J. R. Young considers made Parliament more responsible for their proceedings and regulation.¹⁰¹² In comparison, during the preparation of the Claim of Right, it was resolved ‘...that the being and methods of the Court of articles be abolished and all matters prepared by Committees of parliament chosen by the Benches’.¹⁰¹³ Customarily seen as the mechanism that subverted the estates to royal authority, its ultimate aboli-

¹⁰¹¹ The Grievances, passed on 13 April 1689, are best considered an extension of the Claim of Right. Ferguson has illustrated, that in general they deal with the relationship between legislature and executive. Numbering fifteen ‘heads’ – two added on 24 April – the Grievances condemned the Committee of Articles, the King’s power to impose custom on foreign trade, depredations in the Highlands, the legislative programme passed in the previous parliament, a standing army, several former judicial practices, and prohibited the the King or Queen to marry a Catholic.

¹⁰¹² J. R. Young, *The Scottish Parliament 1639 – 1661, A Political and Constitutional Analysis*, (Edinburgh, 1996), 21; W. Ferguson, *Scotland’s Relations with England a Survey to 1707*, (Edinburgh, 1977), 118; A. I. MacInnes, *Charles I and the Making of the Covenanted Movement 1625 – 1641*, (Edinburgh, 1991), 195-197. Ferguson asserts that these acts freed parliament from royal control making it the ‘...real engine of government...’

¹⁰¹³ NAS GD 26/7/202.

tion is taken to represent the single greatest constitutional success of the Revolution era.¹⁰¹⁴ Though not a part of the Claim, this clause was included in the Grievances on 13 April. The source of further debate, was the proposal ‘...that in respect of the Kings absence from us, all officers of state, privie Councillors, Lord of Exchequer and session, [and keepers of the Castles] be named and appointed with advice of parliament...’¹⁰¹⁵ In addition, it was advocated that if a place should become vacant during the interval of parliament, ‘...the Councill, Recommend thrie to the king whereof one to be named by him and approven in the next ensewing parliament...’¹⁰¹⁶ This is indistinguishable from Covenanted legislation passed on 16 September 1641, stipulating that all officers of state, councillors and lords of session were to be appointed with the approval and advice of Parliament.¹⁰¹⁷ Further, the lords of session were to hold office ‘ad vitam aut culpam’, instead of at the royal pleasure – provision incorporated in the Claim of Right. However, the draft also suggested additional restrictions concerning the Secretary of State. It was observed ‘...that the office of secretary residing with the King be strictly regulat viz That there be two secretaries neither of them above the quality of Barrons, That they passe no gifts competent to pass in Exchequer unles Recommended by the Exchequer, That they passe no Remissions unles the matter of fact be first tried and Recommended by the Councill, And that they be answerable for all other papers that they shall present and Counter signe that shall be found

¹⁰¹⁴ For a full account of this debate and resulting constitutional innovations see chapter eight.

¹⁰¹⁵ NLS 7020/149. The King’s role in the appointment of his councillors is debateable. For example, at London on 1 June 1699, John Haldane of Gleneagles – an agent of the Company of Scotland – approached the secretaries in an attempt to gain admission to a meeting concerning the Scots colony. He notes ‘...the secretaries communicate my desire to the King, who asked if I was a Privy Councillour of Scotland, they told him I was not, he then said I could not be present because he had only appointed some of his Counsellours of both kingdoms to conferr about our affair...’ It seems likely that an absentee, foreign monarch simply endorsed the recommendation of his chief government ministers – a charge levelled at Melville and Dalrymple in 1689 – 1690.

¹⁰¹⁶ NAS GD 26/7/202.

¹⁰¹⁷ J. R. Young, *The Scottish Parliament 1639 – 1661, A Political and Constitutional Analysis*, (Edinburgh, 1996), 38; A. I. MacInnes, *Charles I and the Making of the Covenanted Movement 1625 – 1641*, (Edinburgh, 1991), 202.

Contrary to Law, That they be changed every thrie years, That after the expireing of ther time, They present themselves to a tryal in Parliament, To which no pardon may be obtruded without consent of parliament'.¹⁰¹⁸ It is evident that the manuscript intended to curb the emergence of a future Lauderdale, or of late, John Drummond, first earl of Melfort, specifying that future secretaries should be lesser men made accountable to the estates. The instigator of these clauses is unknown, although a letter from Sir Patrick Home of Polwarth to Melville, dated 7 June 1689, may cast some light on their origin. Considering the Claim of Right, Polwarth – who later proved an active member of the Club's constitutional wing – claimed to have had '...a main hand, and was at great pains in drawing those articles...' Likewise he maintained that he was responsible for the proposal '...that for filling the public offices in Government, upon which a just and regular administration doth so much depend, the Estates would offer to his Majesty a list of persons, two or three for each office...' ¹⁰¹⁹ However, he recalled that this was done after the instrument of government was settled. Considering the fact that the letter was written in an attempt to restore his reputation at court, following – as Polwarth alleged – someone had 'misrepresented' his conduct in the Convention, it is not surprising he should distance himself from a controversial debate that transpired on 8 April, three days before the Claim was passed.¹⁰²⁰ This is particularly relevant, taking into account the observations of Sir James Dalrymple of Stair, 1st Bt. On 9 April, he wrote to Melville mentioning that '...it was lyk that the Act 1641 would be renewed for putting the nominatione of the Officers of State, Counsellis and Judges on the Parliament...I find the King concerned against it'.¹⁰²¹ In this respect, Polwarth's apparent role in these proceedings would have done little to ingratiate

¹⁰¹⁸ NAS GD 26/7/202.

¹⁰¹⁹ Leven and Melville Papers, 46.

¹⁰²⁰ Proceedings, I, 30-32.

¹⁰²¹ Leven and Melville Papers, 9-10.

himself with the King. Nevertheless, of the twenty-nine men who sat on the committee for settling the government, at least eleven – including three of the four members of the subcommittee for drafting the reasons of vacancy – were associated with the ‘Club’ in the period 1689 – 1690.¹⁰²² This would suggest that in addition to Polwarth, there was a strong faction with definite ideas concerning constitutional reform.

This sentiment is also apparent with regards local government. Restructuring of the commissary courts – whose remit was largely divorce, adherence, legitimacy and defamation – was advocated by the Grievances.¹⁰²³ The draft goes further, suggesting that ‘...all inferior jurisdictions as regalities, stewartries, Bailliarries and Especially Commissariots be abrogat...’¹⁰²⁴ Their power was to be ceded to the sheriff court, the structure of which was to be reorganised ‘...by appointing thrie or four gentlemen of the shire to sitt as deutes together, and to be releived quarterly according to a list made in parliament for every shire...’¹⁰²⁵ This would have signalled a substantial break with established practice, the majority of sheriffships and stewartries held hereditably by prominent local landed families who appointed their own deputies.¹⁰²⁶ Technically, the sheriff was an agent of central government holding administrative, financial, military and judicial powers – his court comprising the resident barons and freeholders. However, the office was open to exploitation, a fact recognised by James VI. who considered heritable sheriffdoms and regalities ‘...the greatest hinderance to

¹⁰²² Fraser, *Melvilles*, 209-213. Archibald Campbell, tenth Earl of Argyll; George, fourteenth Earl of Sutherland; William Johnstone, 2nd Earl of Annandale; Sir Patrick Home of Polwarth, 2nd Bt.; Sir William Scott of Harden, Kt.; Sir James Montgomerie of Skelmorlie, 4th Bt.; Sir John Dempster of Pitliver, Kt.; Sir John Hall of Dunglass, 1st Bt.; Mr. William Hamilton of Whitelaw; Robert Smith, and Hugh Brown.

¹⁰²³ C. A. Malcolm, ‘The Sheriff Court: Sixteenth Century and Later’, in *An Introduction to Scottish Legal History*, (Stair Society, 1958), 370.

¹⁰²⁴ NAS GD 26/7/202.

¹⁰²⁵ Ibid.

¹⁰²⁶ C. A. Malcolm, ‘The Sheriff Court: Sixteenth Century and Later’, in *An Introduction to Scottish Legal History*, (Stair Society, 1958), 351. On their abolition in 1748, out of Scotland’s thirty-three sheriffships twenty were held hereditably.

the execution of our Lawes in this countrie...'¹⁰²⁷ Nevertheless, little had changed with regards their organisation by the Revolution – although the sheriff courts had been subject to successive purges by the Covenanters, Charles II and James VII.¹⁰²⁸ In spite of the above clause, advocating local government by commission, with the consent of Parliament – an ambitious reform programme comparable in scope to that instigated by the radical Covenanting regime in 1649 and adopted by the Commonwealth in the 1650s – there was no innovation in 1689.¹⁰²⁹ The abolition of heritable jurisdiction would have proven both an unpopular and unrealistic measure, opposed by a significant proportion of the landed elite whose support was necessary for the successful conclusion of the Revolution. This is reflected in the fact that on 11 June 1689, the Privy Council took note ‘...of such shyres as wants shireffs, that his Majestie may be therewith acquainted and that he may disposs of these offices to such as he shall think fitt...’, evidence of contemporary appointment through established practice.¹⁰³⁰

Despite the fact that the largest part of the manuscript did not feature as part of the final draft – with only ten of the thirty-three provisional clauses expressly included in the Claim of Right or Grievances – essential constitutional principles are apparent in both. It was asserted that no Catholic could succeed as monarch, or hold office in the kingdom; the dispensing and suspending powers were condemned; prelacy was abolished; Parliament was to meet frequently with guarantees for its freedom; the commit-

¹⁰²⁷ J. P. Sommerville (ed.), *King James VI and I Political Writings*, Basilicon Doron, (Cambridge, 1994), 29

¹⁰²⁸ C. A. Malcolm, ‘The Sheriff Court: Sixteenth Century and Later’, in *An Introduction to Scottish Legal History*, (Stair Society, 1958), 356-360.

¹⁰²⁹ K. M. Brown, *Kingdom or Province? Scotland and the Regal Union, 1603 – 1715*, (1992), 140. Legislation passed by the Commonwealth was designed to destroy the hereditary local power of the nobility, although the reformed courts lacked the power of their predecessors.

¹⁰³⁰ *RPCS*, XIII, 1686 – 1689, H. Paton (ed.), (Edinburgh, 1932), 424.

tee of the articles would be scrapped; supply could not be raised without Parliament's approval; and a standing army was declared illegal without consent of the estates. Comparable to Schwoerer's account of the English settlement, the principles that influenced deliberation of an instrument of government in Scotland are also evident in the Claim of Right – shaped by a liberal mix of established historical precedent, constitutional theory, pragmatism and Covenanting ethos. However, like the Declaration of Rights, the Scottish Claim is obviously a compromise, its content tempered by a number of factors. In the Convention, the Jacobite presence was negligible, most having left before the vote concerning the vacancy of the throne, therefore contributing little to the settlement. Nonetheless, the political elite was inherently conservative, a fact illustrated by an observation of John Murray, first marquis of Atholl. In a letter to William dated 13 April 1689, two days after he and Mary had been declared King and Queen of Scotland by a unanimous vote, Atholl noted that '...there are some things offered to your Majestie in the Petition of Right, such as the abolishing Episcopacy, and some new limitations put upon the Monarchy, to which I could not give my consent...' ¹⁰³¹ This sentiment is similar to that expressed by a large number of English Tories steadfastly opposed to contract theory. In addition, the Scots could draw upon the recent experience of England, where an impatient Prince had made it perfectly clear that he would not accept the throne upon the Convention's terms, at one point threatening to go home if their lengthy deliberation was not satisfactorily resolved. Had a draft of the Claim been presented couched in the terms of the provisional document, it is reasonable to suggest that it would have been rejected. For members of the Convention who envisaged a revised constitutional arrangement between crown and Parliament, it was necessary to dampen their ardour. They may have assumed that

¹⁰³¹ Leven and Melville Papers, 12.

the Claim of Right established a new form of kingship, but this was incompatible with the view of William of Orange whose notion of monarchy was every bit as traditional as his father-in-law's.¹⁰³² These practicalities limited the content of the document. In this respect, the Claim is comparable with the National Covenant. Intrinsically conservative to ensure broad appeal, the Covenant contains an '...implicit radical agenda...', aimed at the destruction of authoritarian rule.¹⁰³³ Like Schwoerer has shown with the Declaration, by compromising style one does not necessarily compromise content.

This is evident in the instructions given to Archibald Campbell, tenth earl of Argyll, Sir James Montgomerie of Skelmorlie, 4th Bt., and Sir John Dalrymple, Kt., commissioned on 24 April to formally offer the throne to William and Mary. The Convention stipulated that they were '...to present to their majesties the King and Queen, The Declaration of the Estates of this Kingdome [containing the Clame of Right], and to read or see the same read in ther presence, And you are likewayes to present to the King the grievances Desired to be Redressed, with the addresse for turneing this Meeting into a Parliament, and to read or see the same reade, Yow are to offer the oath to the King and Queen, upon ther acceptance of the croune and to see the same be sworne and signed by them...' ¹⁰³⁴ Consequently, on 11 May, the three commissioners '...attended by most of the nobility and gentry of that kingdom,...waited on their majesties in the banquetting house at Whitehall'.¹⁰³⁵ Likewise, the King and

¹⁰³² Ibid., 2. In some respects the Scottish settlement was shaped by William's instructions to Melville. On 7 March he wrote '...you shall endeavour that the first matter taken to consideration in the Meeting of the Estates of Scotland, be the violations incroaching upon the constitution of that kingdom, which are most proper to be declared in that Meeting before they be turned into a Parliament'.

¹⁰³³ K. M. Brown, *Kingdom or Province? Scotland and the Regal Union, 1603 – 1715*, (1992), 113.

¹⁰³⁴ APS, IX, 62.

¹⁰³⁵ N. Luttrell, *A Brief Relation of State Affairs from September 1678 to April 1714*, Vol. I, (Oxford, 1857), 533.

Queen arrived ‘...attended by many Persons of Quality, the Sword being carried before them by the Lord Cardross...’¹⁰³⁶ Observing the order stipulated by the estates, Argyll made a short introductory speech before presenting a covering letter from the Convention. This requested compliance in swearing and signing the coronation oath, detailed the appointment of commissioners for union, and contained a brief account of the current state of the kingdom. Next, Mr. Elliot, secretary to the commission, read the Claim of Right followed by the Grievances and the address for turning the Convention into a Parliament. In response, the King stated that ‘...he had a particular regard to Scotland, and had emitted a Declaration for that Kingdom as well as for England, which he would make effectual to them...and would be ready to redress all Grievances, and prevent the like for the future by good and wholesome Laws’.¹⁰³⁷ However, Sir John had queried this sequence, proposing that the King and Queen first take the oath before considering the Claim and Grievances. If this method had been accepted, it was observed that they ‘...should be no fundamental conditions of the Government, bot only of the nature of ane petition or address made to the King, who was made King befor by the offer; and it was also insinuat, that Sir John had advised the King that his methode should be observed...’¹⁰³⁸ There would be no foundation for a contractual settlement, ‘...bot to leav the nation in mercy, that [the King] might redres thes or not as he pleased...’¹⁰³⁹ Nevertheless, Dalrymple was outnumbered by his fellow commissioners who favoured the ceremonial preferred by the Convention with its explicit contractual association. This resolved, Argyll tendered the coronation oath, which unlike the English equivalent, was almost identical to that sworn by

¹⁰³⁶ *Proceedings*, I, 85.

¹⁰³⁷ *Ibid.*, 87.

¹⁰³⁸ *Leven and Melville Papers*, 167-168.

¹⁰³⁹ *Ibid.*, 166.

Charles II at Scone in 1651.¹⁰⁴⁰ The only article that required clarification concerned the King's obligation to '...root out Hereticks and Enemies to the true Worship of God, that shall be Convicted by the true Kirk of God of the foresaid Crimes, out of Our Lands and Empire of Scotland', William adding that '...I do not mean by these Words, to be under any necessity to become a persecutor...'¹⁰⁴¹ The commissioners answered that persecution was not an intention of the oath, nor required by law. Thus concluded, before leaving for Scotland the King presented each of the commissioners with his portrait set with diamonds, valued at seven hundred pounds.¹⁰⁴²

The formal procedure – in lieu of a coronation ceremony – implied that the crown was a condition of the acceptance of the instrument of government. In this instance, it was the order rather than content, which suggested that the King had bound himself to accept the limitations of the Claim of Right and redress the Grievances. This is apparent in the reaction of Dalrymple, who realised that this premise dictated the sequence and attempted to have it changed. However, how did contemporaries consider the settlement? In his letter to the King, the marquis of Atholl mentioned that in his opinion, the Claim placed '...new limitations...upon the Monarchy...' Likewise, Sir John Dalrymple wrote to Melville in June 1689, informing him that members of Parliament influenced by the Club, '...plainly pretend that the king is obliged to redress all their grivances which som proposed as a quality in ther recognising him; and whatever they think a grivance he must redress, otherwys he fails, and they may do right to them-

¹⁰⁴⁰ John, third Marquis of Bute, *Scottish Coronations*, (London, 1902), 194-195. The significance attached to the coronation oath is illustrated by the fact that in 1703, during deliberation of a clause in the act of security concerning the authority of the estates to appoint a successor, parliament considered the addition of the phrase that they be '...of the true protestant religion as by law established within this kingdom...' Going to a vote, it was carried that they would '...rest upn the security by the coronation oath...'

¹⁰⁴¹ *Proceedings*, I, 88-89. This clause was also part of Charles II's coronation oath.

¹⁰⁴² N. Luttrell, *A Brief Relation of State Affairs from September 1678 to April 1714*, Vol. I, (Oxford, 1857), 547.

selves...'¹⁰⁴³ Nonetheless, few were prepared to openly promote these sentiments in Parliament. This is illustrated by the fact that following his rather imprudent speech on 26 June, William, twelfth lord Ross, having declared that if the Grievances were not redressed '...our vote establishing the crowne...might be thought not sufficiently founded...', beat a hasty retreat, assuring the King that his behaviour had been misrepresented.¹⁰⁴⁴ Nevertheless, does the retraction of an ill-advised public statement suggest that privately he did not consider the relationship between crown and Parliament had changed? George, Lord Melville, probably in an attempt to convince the King that the Revolution settlement was not contractual, described the Claim of Right and Grievances as '...loosely drawn and may be helped in Parliament what dissatisfies...'¹⁰⁴⁵ This proved an inaccurate statement, for the first two sessions were dominated by the Club who coordinated opposition to the committee of articles.¹⁰⁴⁶ It was clear that the instrument of government would not be easily manipulated to suit the preference of the King. Similarly, from 1698 – 1702, the country party adopted suitable clauses of the Claim to legitimise their struggle with the court – specifically those concerning a standing army, the right of subjects to petition the King and frequent Parliaments.¹⁰⁴⁷ The Revolution settlement was considered more than a speculative document endorsing monarchical change.

Even so, the distinction between theory and practice must be made explicit. The Claim of Right established a new King and advocated a contractual agreement altering the nature of kingship – procedural innovations securing a measure of freedom for

¹⁰⁴³ Leven and Melville Papers, 68.

¹⁰⁴⁴ *Ibid.*, 93. See chapter eight for further details.

¹⁰⁴⁵ Quoted in I. B. Cowan, 'Church and State Reformed? The Revolution of 1688 – 1689 in Scotland', in I. Israel (ed.), *The Anglo-Dutch Moment: Essays on the Glorious Revolution and its World Impact*, (1991), 166.

¹⁰⁴⁶ See chapter eight.

¹⁰⁴⁷ See chapters five and six.

Parliament. Like the English settlement, it was a compromise, although as Schwoerer has determined with the Declaration of Rights, the essential constitutional reforms suggested in an earlier draft of the Claim are incorporated in the final version.¹⁰⁴⁸ Imbued with the spirit of Buchanan and influenced by Covenanting practice, there seems no reason to suggest that the consideration of a sufficient manifesto was distinguished by a lack of political thought. However the settlement was limited by the fact that the King retained the practical power to appoint his officers of state, councillors and lords of session, possessing a monopoly of patronage. This is apparent in the two principal parliamentary crises of the reign, 1689 – 1690 and 1698 – 1702, when considerable incentives were offered to members of the opposition with some success.¹⁰⁴⁹ However, in both instances external factors also contributed to court progress – the settlement of religion causing considerable numbers to abandon the Club, and the final collapse of Darien making country members question the purpose of continued opposition. Nevertheless, the rise in political management confirms an adjustment in the relationship between crown and Parliament. The King could no longer rely on passive obedience, the opportunity for direct control removed following the abolition of the committee of articles. Following the Revolution he was more reliant on patronage coupled to the administrative abilities and regional influence of individual ministers.¹⁰⁵⁰ In this respect, the instrument of government re-established the nature of kingship, revising rather than limiting the power available to the crown.

¹⁰⁴⁸ Leven and Melville Papers, 2. The Claim of Right is similar to the Declaration of Rights, a fact determined by the Prince of Orange who requested that the articles for preventing grievances be as near as may be to these of England...

¹⁰⁴⁹ See chapter five, six and eight. The fact that in addition to Darien, the country party campaigned on clauses of the Claim of Right, it may be possible to consider these 'constitutional' crises.

¹⁰⁵⁰ K. M. Brown, Kingdom or Province? Scotland and the Regal Union, 1603 – 1715, (1992), 18.

The remaining legislation passed in the Convention was primarily concerned with defence. On 19 March, the estates approved an act requiring ‘...the wholl protestants of the Kingdome, Betwixt sixty and sixtein, to be in reddines with ther best horses and armes upon advertisement from the meeting of Estates, and likewayes to have their militia in readines to receive such orders as shall be Direct to them from the saids Estates, for secureing the protestant religion the lawes and liberties of the Kingdome...’¹⁰⁵¹ This was supplemented by an act for securing suspect persons, a number regarding the distribution of arms, an act for two hundred and eighty-eight thousand pounds Scots to maintain the forces, and several concerning the militia.¹⁰⁵² The latter was efficiently purged, the estates appointing new officers sympathetic to the Revolution. For instance, in Berwickshire, Charles, sixth earl of Home and Archibald Cockburn of Borthwick, the Jacobite colonel and lieutenant-colonel of the local militia foot regiment, were replaced by Sir Archibald Cockburn of Langton, 2nd Bt. and John Home of Ninewells – the émigré Sir Patrick Home of Polwarth, 2nd Bt. commissioned to command the troop of horse.¹⁰⁵³ The same principle influenced the decision to stage municipal elections in the majority of royal burghs in April.¹⁰⁵⁴ Elected using the same method that had proved successful in the recent general election, the tactical use of overseers ensured an acceptable return.¹⁰⁵⁵ In legislative terms, as well as addressing the practical concern of security, the Convention sustained comprehensive bureaucratic reform.¹⁰⁵⁶

¹⁰⁵¹ APS, IX, 13.

¹⁰⁵² Ibid., 19, 69. It was ordered that those responsible for the arrest of an individual subsequently convicted of ‘...any evill Designe [against] the publick peace...’ would ‘...have the horses and armes of such persones for ther reward...’

¹⁰⁵³ Ibid., 13, 25. On 30 March, the convention issued a general proclamation naming militia officers in the shires ‘...on this syde of Tay...’ In addition, the estates authorised the raising of several regiments of foot and troops of horse and dragoons, a number contributed by representatives of the landed elite.

¹⁰⁵⁴ Ibid., 34, 42, 47, 49, 50.

¹⁰⁵⁵ See chapter three.

¹⁰⁵⁶ APS, IX, 62, 65, 67. In addition, on 24 April, the estates appointed Ludovic Grant of that ilk sheriff of Inverness, in place of Alexander, Earle of Murray, who ‘...is not qualified according to law being a

In comparison, there was little achieved in the contentious first session of Parliament. Controlled by the Club – the opposition party led by Sir James Montgomerie of Skelmorlie, 4th Bt. – debate focused on the abolition of the committee of the articles. Reluctant to exceed his instructions, William Douglas, third duke of Hamilton, adjourned Parliament rather than agree to the Club's demands.¹⁰⁵⁷ However, not before passing an act recognising the King and Queen's royal authority, and another abolishing prelacy '...and the superioritie of any office in the church above presbyters...', in accordance with the Claim of Right.¹⁰⁵⁸ Nonetheless, while an important episode in the resolution of future committee procedure, in terms of legislation, the first session contributes little to Parliament's legislative record.

Reconvening on 15 April 1690, Parliament resumed discussion of the religious settlement initiated the previous session by the Club. George, first earl of Melville assented to an act rescinding royal ecclesiastical supremacy – established in 1669 – and another restoring Presbyterian ministers '...deprived of there Churches or banished for not conforming to prelacie and not complyeing with the courses of the tyme...' since the Restoration.¹⁰⁵⁹ Subsequently, on 7 June, Parliament ratified the confession of faith '...containeing the summe and substance of the doctrine of the reformed Churches...', revived all laws, statutes and acts against Catholicism, and established

profest papist, And it being Requisite that a persone well affected to the protestant religion and the present Government and of considerable interest in these bounds be nominat to supply that office...' Similarly, the following day Sir Andrew Agnew of Lochnaw, 3rd Bt. was restored to the office of heritable sheriff of Wigtown, having been '...wrongously and summarly without order of law, Removed from being sheriffe of that shyre in the year one thowsand six hundered and eighty two, and John Grahame of Claverhouse now viscount of Dundie nominat in his place and thereafter a Commission renewed in favours of David Graham his brother...' Likewise, Charles Erskine, fifth Earl of Mar was reinstated as heritable constable, captain, governor and keeper of Stirling Castle, having lost his office '...Because he wold not Comply with the arbitrary Courses for the tyme...'

¹⁰⁵⁷ See chapter eight.

¹⁰⁵⁸ *Ibid.*, 104.

¹⁰⁵⁹ *Ibid.*, 111.

Presbyterian church government ‘...that is to say the Government of the Church by Kirke sessions, presbyteries, provincially synods, and Generall assemblies...’¹⁰⁶⁰ In addition, on 19 July, ecclesiastical patronage – the right of a local patron to establish a minister in a vacant kirk – was abolished, responsibility ceded to ‘...the Heretors of the said parish (being protestants) and the elders...to name and propose the persone to the whole congregacione to be either approven or disapproven by them...’ – Parliament naming a commission to value teinds and consider the erection of new kirks.¹⁰⁶¹ Besides religion, Parliament passed an act abolishing the committee of the articles, another increasing shire representation by approximately fifty percent – both conditions of the Grievances – and an act in favour of the royal burghs, confirming the privilege ‘...that the Importing of all forrain Commodities and Merchandise either by sea or Land, doth and shall belong to the freemen Inhabitants of their Majesties Royall burrowes allennerly excepting cattell, horses, sheep and other bestiall and likewise excepting such commodities as noblemen and barons shall import for their own use...’¹⁰⁶² Furthermore, comparable to the administrative reform begun in the Convention, Parliament established a commission to visit universities, colleges and schools, ‘...for the advancement of Religion and Learneing, and for the good of the Church and peace of the Kingdom...’¹⁰⁶³ Including the bulk of the Presbyterian elite, the commission initiated an extensive purge of the universities, reporting in September 1690, that ‘...the universities and colledges of St. Andrews and Glasgow are now destitute of principalls, professors and most part of the Regents, through their being removed from their places for not qualifying themselves conform to the late act of par-

¹⁰⁶⁰ Ibid., 133.

¹⁰⁶¹ Ibid., 196, 200.

¹⁰⁶² Ibid., 152-153. For a full discussion of the abolition of the articles see chapter eight.

¹⁰⁶³ Ibid., 163.

liament...'¹⁰⁶⁴ Edinburgh did little better, a large number of academics removed on account of their former allegiance, including principal Munro, who had '...made an act of the facultie that such as were Mr. Liddel's scholars the preceeding year should be taught that year in no other class than Mr. Burnet's, who he confesses lay under suspicion of being popish...And further that he did take down the pictures of the protestant reformers out of the bibliothick when the Earle of Perth, late chancellor, came to visit the Colledge without any pretence or excuse but that the then Provost of Edinburgh did advyse him therto...'¹⁰⁶⁵ Part of a systematic process, restructuring was as inclusive as anything attempted by the former government. Finally, the prevalence of private legislation – on this occasion accounting for just over half of the acts passed – is an obvious – although not unique – feature of the Convention Parliament.¹⁰⁶⁶ Statistics are comparable with England, where, from 1689 – 1714, almost half of all acts were personal.¹⁰⁶⁷ Private legislation can overall be categorised as economic, concerning debt, precedence, land and succession, or forfeiture and damages. In this instance, the greater part relate to the latter category, the court keen to appease those disappointed by the fact that the Revolution had not led to the immediate reversal of their forfeiture or fine, prompting them to embrace opposition politics.¹⁰⁶⁸ For the most part, the agenda of Parliament was still determined by the legacy of James VII and the practical concerns of Revolution.

¹⁰⁶⁴ NAS PA 10/2.

¹⁰⁶⁵ NAS PA 10/4.

¹⁰⁶⁶ In the former parliament of James VII, private legislation also accounted for approximately half the acts passed. Any further comment on this trend, or concerning the total output of legislation, would require a far greater sample.

¹⁰⁶⁷ J. Hoppit, 'Patterns of Parliamentary Legislation, 1660 – 1800', *Historical Journal*, 39, (1996), 123.

¹⁰⁶⁸ On 19 July, parliament passed an act for the dissolution of forfeit land annexed to the crown during the former reign. In addition, some twenty private acts were passed concerning individual forfeiture cases.

The third session of Parliament commenced on 3 September 1690. From the sederunt it seems that it was poorly attended, subsequently meeting on only four occasions. In that time, Parliament passed an act for suppressing recent depredation in the Highlands, an act condemning ‘...robbing or seazeing the Maill or pacquett or the Letters and dispatches, goeing or comeing by the Common post or any other expresses...’, and another offering two hundred and sixteen thousand pounds cess, in addition to fourteen shillings hearth money, to ‘...be applyed for payment of the soumes due to the severall shyres and burghes of this kingdome furnished, advanced and payed be them to his Majesties forces... for the suppressing the present unnaturall Rebellion...’¹⁰⁶⁹ The few remaining pieces of legislation almost all dealt with procedural matters.

Legislation concluded in the fourth session of Parliament is consistent with that passed in the second – private acts accounting for almost fifty percent of the total. However, here, most concern either the ratification of land and privilege, or are economic – granting protection and exemption to several new industries, the ‘...three Estates of Parliament considering the great advantages that may arise to this Nation by Erecting and maintaining of Manufactories, and especially by Erecting such needfull works as have not yet been used within the same, and whereby the native product of the Nation may be improven to the best avall within the same, beforr it be vended abroad...’¹⁰⁷⁰ Likewise, Parliament passed a general act, permitting merchants to form consolidated companies for ‘...carrying on of Trade, as to any subject or sort of goods and merchandice, to whatsoever Kingdoms, Countryes, or parts of the World, not being in warr with their Majesties... particularly, beside the Kingdoms and Countries of

¹⁰⁶⁹ APS, IX, 233-236.

¹⁰⁷⁰ *Ibid.*, 313.

Europe, to the East and West Indies, to the Straits, and Trade in the Mediterranean, or upon the Coast of Affrick or Northerne parts...'¹⁰⁷¹ In addition, on application from the Convention of royal burghs, Parliament authorised the extension of foreign trade to burghs of regality and barony, provided they contribute a proportion of the '...burthen imposed upon [the royal burghs] for their Trade...'¹⁰⁷² Public legislation also included several acts relating to legal administration and the procedure of the court of session – judicial reform a part of the Claim of Right. Nonetheless, although to some extent the legislative process was still dictated by the practicalities of Revolution – and continental war – the business of Parliament was no longer essentially determined by defence or consolidation. The following table, categorising legislation passed between 1689 – 1693, better illustrates this point.

Figure 1 – *Legislation 1689 – 1693*

<i>Legislation</i>	<i>Convention 1689</i>	<i>1 Session 1689</i>	<i>2 Session 1690</i>	<i>3 Session 1690</i>	<i>4 Session 1693</i>	<i>Total</i>
<i>Civil Law</i>	1	-	12	-	-	13
<i>Criminal Law</i>	-	-	3	2	3	8
<i>Defence</i>	26	2	1	-	3	32
<i>Economy</i>	1	-	4	-	5	10
<i>Education</i>		-	1	-	1	2
<i>Finance</i>	3	-	3	1	3	10
<i>Financial Admin.</i>	8	-	3	1	2	14

¹⁰⁷¹ Ibid., 314.

¹⁰⁷² Ibid., 315.

<i>Government</i>	25	3	9	2	7	46
<i>Legal Admin.</i>	-	-	3	-	17	20
<i>Private</i>	28	2	59	2	41	132
<i>Religion</i>	2	1	12	-	6	21
<i>Social</i>	2	-	-	-	-	2
<i>Total</i>	96	8	110	8	88	310

Throughout the period there was no significant increase in the amount of legislation passed from session to session – remaining consistent with that concluded in the former Parliament.¹⁰⁷³ Private legislation was the most common category by some distance, government, defence and religion, next in numerical order. However, the bulk of these acts were passed in the Convention and second session Parliament – all three categories closely associated with the Revolution and its immediate context. From the fourth session, a combination of ratifications, public and private economic legislation, and legal and judicial reforms, account for much of the legislative record. Nevertheless, the results derived from counting and categorising acts is to some extent misleading. For instance, although defensive legislation decreased in the period 1689 – 1693, Britain was involved in a protracted war with France until 1697 – the council discharging the bulk of directives concerning recruitment, and both internal and national security.

¹⁰⁷³ In the first session of James VII's parliament one hundred and twenty-two pieces of legislation were passed, in the second session one hundred.

The fifth session of Parliament picked up where the former left off, passing several acts intended to reform the economy. The most important was a consequence of the act for encouraging foreign trade. The King informed ‘...that several persons as well Forreigners as Natives of this Kingdom, are willing to engage themselves with great Soumes of money, in an American, Affrican, and Indian Trade, to be exercised in and from this Kingdom, if enabled and encouraged thereunto, by the concessions powers and priviledges, needfull and usual in such cases...’, authorised the formation of an incorporation ‘...by the name of the Company of Scotland tradeing to Affrica, and the Indies...’¹⁰⁷⁴ The company was an ambitious – if ultimately ill-advised – project, that caught the imagination of the kingdom, its fate dominating the final three sessions of Parliament. Domestically, on 17 July 1695, Parliament endorsed the foundation of the bank of Scotland – authorising it to raise joint stock of one million two hundred thousand pounds.¹⁰⁷⁵ Likewise, several acts were passed concerning Scottish linen manufacture, and the improvement of arable and pastoral land – specifically that administered according to the traditional runrig method, and coastal land threatened by erosion, Parliament prohibiting ‘...the Pulling of Bent, Broom or Juniper off sand hills for hereafter...the same being the natural fences of the adjacent Countries...’¹⁰⁷⁶ In addition, Parliament forbade the production of rum for internal use, considering it prejudicial to ‘...the Consumpt of strong waters made of malt, which is the native product of this Kingdom...’ and taking into account that ‘...Rum is rather a drug than liquor, and highly prejudicial to the health of all who drink it...’¹⁰⁷⁷ Similarly, the greater part of private legislation was economic – most granting individuals or burghs the right to stage fairs and markets. Remaining legislation was essentially routine,

¹⁰⁷⁴ APS, IX, 377.

¹⁰⁷⁵ Ibid., 494.

¹⁰⁷⁶ Ibid., 421, 430, 452, 461.

¹⁰⁷⁷ Ibid., 462.

dealing with procedural or legal matters. The principal exception was the act establishing a post office ‘...to be kept within the City of Edinburgh, from whence all Letters and Packquets whatsoever, may be with speed and expedition sent into any part of the Kingdom, or any other of his Majesties Dominions, or into any Kingdom or Countrey beyond Seas by the Pacquet that goes sealed for London, at which said Office, all returns and answers may be likewise received...’¹⁰⁷⁸ Legislation passed in the fifth session is consistent with that detailed above, although the formation of the bank of Scotland and company of Scotland were innovative – the latter having a disproportionate affect on the consequent history of the Parliament.

There was nothing passed in the sixth session of comparable magnitude, although the act for settling schools, stipulating that ‘...there be a School settled and Established and a Schoolmaster appointed in every paroch not already provided, by advice of the Heritors and Minister of the paroch...’, had a commendable objective.¹⁰⁷⁹ Much the same can be said of an act for the better provision of the poor. Parliament ratified all former legislation, authorising the council to ‘...Commission to a certain number of persons, to be supervisors and inspectors of the poor, either in particular Shires and Burghs or over the Kingdom, and to make and emit such Acts and Constitutiones not inconsistent with the Standing Lawes as shall be thought necessar for the more effectuall imploying and maintaining of the Poor and freeing the countrey of vagabonds and idle beggars...’¹⁰⁸⁰ However, during the session, Parliament passed one of the most controversial acts of the reign.¹⁰⁸¹ Concluded on 9 October, 1696, the act for security of the kingdom stipulated that on the death of the monarch, ‘...this Kingdom

¹⁰⁷⁸ Ibid., 417.

¹⁰⁷⁹ APS, X, 63.

¹⁰⁸⁰ Ibid., 64.

¹⁰⁸¹ Ibid., 59.

may be subjected to many Calamities by the treacherous plots of unnaturall Countreymen and Persons popishly affected at home or by the invasion of Strangers before new Commissions, civil or military, can be granted, or a Parliament can be Summoned or called by the next Heir or Successor to the Crown, For preventing thereof...no Commission civil or military or any Court whatsoever shall cease or become void by the death of his present Majestie or any of his Heirs or Successors, But that the same shall continue in full force and effect for the space of Six moneths after the said death, unless in the mean time the same be stopt or recalled by the next immediat Successor to whom the Imperiall Crown of this Kingdom shall descend...'¹⁰⁸²

In addition, the act determined that Parliament would not dissolve on the death of the sovereign, but be subject to the same regulations affecting other branches of government. Contrary to established practice, the Revolutioner hierarchy attempted to secure their hold on government following the King's death – bringing them into direct conflict with the country party in 1702.

Besides several acts concerning criminal law and legal administration, addressing a number of subjects including apparel, building regulations, and the preservation of game and planting, almost half the legislation passed in the seventh session of Parliament was private. Nonetheless, on 30 July 1698, the court secured an act for sixteen months supply, amounting to one million one hundred and fifty-two thousand pounds Scots – the main objective of the government. In this instance half the private legislation concluded in the seventh session was economic, the rest essentially ratifications of land, title and privilege.

¹⁰⁸² Ibid., 59.

In legislative terms, there was nothing achieved in the hastily adjourned eighth session of Parliament, the house dominated by the opposition country party. Nevertheless, with supply essential, Parliament was reconvened in November 1700, following a period of extensive court management that had begun after the recent adjournment in May. Parliament passed fifty-seven acts, only sixteen of which were public. These included an act for securing the Protestant religion and Presbyterian Church government, ratifying ‘...the fifth Act of the Second Session of this current Parliament intituled Act Ratifieing the Confession of Faith, and Settling Presbyterian Church Government...’ Similarly, another endorsed former acts concerning the spread of Catholicism, ‘...considering the hazard that threatens the true Protestant Religion as at present settled and established within this Realm, and may ensue by the increase and growth of Popery and the resorting and resetting of Jesuits, priests and trafficking papists within the same, if not timeously and duely prevented and restrained...’¹⁰⁸³ Of some significance was the ‘...act for preventing wrongous Imprisonments and against undue delays in Tryals...’, comparable to the English habeas corpus act. Intended to secure the liberty of all ‘...good subjects...’, the act also stipulated that ‘...no member of Parliament attending, shall be imprisoned or confined upon any account whatsoever during a Session of Parliament without a warrant of Parliament...’ – a proviso first proposed by John, first earl of Tullibardine in 1698.¹⁰⁸⁴ In a sop to the opposition, Parliament passed legislation in favour of the company of Scotland, enacting ‘...that all the temporary privileges and immunities granted to the said Company by the eighth act fifth Session of this Parliament, shall be continued to the Company for the space of nine years longer after expiring of the respective times allowed to them...’, al-

¹⁰⁸³ Ibid., 215-216.

¹⁰⁸⁴ Ibid., 273-274.

though this had little practical value, the Darien settlement already abandoned.¹⁰⁸⁵

Consistent with the trend evident from 1693, the bulk of private legislation was economic – instituting fairs and markets. Throughout the period the legislative output of Parliament remained relatively consistent, with the exception of the first and eighth sessions, paralysed by effective opposition. This is illustrated by the following table, detailing legislation passed from 1695 – 1701.

Figure 2 – *Legislation 1695 – 1701*

<i>Legislation</i>	<i>5 Session 1695</i>	<i>6 Session 1696</i>	<i>7 Session 1698</i>	<i>8 Session 1700</i>	<i>9 Session 1700</i>	<i>Total</i>
<i>Civil Law</i>	5	11	-	-	-	16
<i>Communi- cations</i>	1	-	1	-	-	2
<i>Criminal Law</i>	2	5	8	-	1	16
<i>Defence</i>	1	1	-	-	-	2
<i>Economy</i>	10	8	3	-	6	27
<i>Education</i>	2	8	-	-	-	10
<i>Finance</i>	6	2	5	-	1	14
<i>Financial Admin.</i>	5	2	6	-	1	14
<i>Government</i>	1	2	-	-	-	3
<i>Legal Admin.</i>	9	6	2	-	4	21
<i>Private</i>	92	46	26	-	41	205

¹⁰⁸⁵ Ibid., 282.

<i>Religion</i>	10	5	1	-	3	19
<i>Social</i>	1	2	1	-	-	4
<i>Total</i>	145	98	53	-	57	353

In comparison with the categories of legislation identified in the Convention and first three sessions of Parliament, the type of acts passed in the period 1695 – 1701 are also consistent. Legislation considering law and legal administration accounted for forty-one acts in the first instance, fifty-three in the second. Likewise, financial legislation remained stable, contributing twenty-four and twenty-eight acts respectively. In addition, there is almost no difference with regards the amount of acts concerning religion. However, there was a sharp decline in defensive and governmental legislation from 1689, following the preparation of a suitable constitutional settlement. Economic legislation rose from ten acts in the period 1689 – 1693, to twenty-seven in the latter period, although considering approximately fifty percent of private legislation was economic, the increase is far more dramatic than these figures suggest – accounting for almost a quarter of acts passed.¹⁰⁸⁶ Private legislation accounted for just over half the total acts concluded from 1689 – 1701, a trend also evident in England, perhaps illustrating the importance of an act of Parliament.¹⁰⁸⁷ Even so, in this respect, the Convention Parliament is not dissimilar to that of James VII. While the distribution of legislation parallels categories identified in England, there was no marked increase in the

¹⁰⁸⁶ J. Hoppit, 'Patterns of Parliamentary Legislation, 1660 – 1800', *Historical Journal*, 39, (1996), 121. In England, economic legislation accounted for almost a quarter of acts passed between 1660 – 1800.

¹⁰⁸⁷ *Ibid.*, 123. The 1702 session of parliament, while called on the authority of the convention parliament, passed little in the way of legislation. Only eight acts were concluded, the most notable legislation considering the legitimacy of the meeting, and an act authorising Queen Anne to appoint commissioners to negotiate a union with England. For this reason, and that fact that a significant part of the house withdrew, considering the session illegal, this legislation has received no further attention.

output of Parliament in the period 1689 – 1714.¹⁰⁸⁸ The amount of legislation produced in the Scottish Parliament remained relatively consistent from the Restoration to the Revolution – a period in which the volume of English acts was low and declining.¹⁰⁸⁹ If anything the quantity of Scottish legislation decreased in the period 1689 – 1701, probably explained by the length of each session and organised opposition.¹⁰⁹⁰ Besides, the above does not consider failed legislative initiatives, which in England were high from 1689 – 1702, years when the volume of acts was rising.¹⁰⁹¹ Nonetheless, this did not affect the quality of legislation. From 1690 – 1691, the immediate Revolution crisis and threat of invasion and internal rebellion were no longer pressing concerns, allowing Parliament to consider more routine matters. Consequently, from 1693 the amount of legal, administrative, and economic legislation increased. Likewise, although private acts accounted for more or less fifty percent of the total acts passed from the beginning of the period, from the fourth session of Parliament the bulk were economic – formerly concerned with forfeiture and damages. The legislative record of the Convention Parliament is not necessarily innovative or comprehensive. Instead it is largely mundane, determined by the practicalities associated with Revolution – the function of Parliament to produce relevant not innovative legislation. However, in addition to the contractual, constitutional settlement, the Convention Parliament passed several notable acts. Parliament initiated purges of the militia and universities, reformed areas of legal administration – particularly those abused by James VII – and continued the ecclesiastical restructuring begun by the ‘rabblers’ in 1688. Presbyterian church government was established and the committee of the articles

¹⁰⁸⁸ Ibid., 110-111.

¹⁰⁸⁹ Ibid., 110-111.

¹⁰⁹⁰ In 1661 parliament passed three hundred and ninety-three acts; 1662, one hundred and twelve; 1663, one hundred and thirteen; 1669, one hundred and thirty-seven; 1670, sixty-three; 1672, one hundred and forty-nine; 1673, four; 1681, one hundred and ninety-three; 1685, one hundred and twenty-one; 1686, one hundred and two.

¹⁰⁹¹ J. Hoppit, ‘Patterns of Parliamentary Legislation, 1660 – 1800’, *Historical Journal*, 39, (1996), 112.

abolished – the latter with important implications for parliamentary procedure. The company of Scotland must also receive special mention. Scotland's most memorable attempt to establish a foreign colony was a truly national endeavour. The company was an impressive project, designed to bolster trade – an objective of a considerable amount of later seventeenth-century legislation – but a combination of English opposition, inadequate preparation, and a spectacularly poor choice of location, contributed to the collapse of the enterprise, amidst an outpouring of patriotic fervour. Despite the company's demise, it is difficult not to be impressed by its scope and objectives. To conclude, although Parliament passed little social legislation, it did address poor relief and education – the several acts concerning profanity and Presbyterian discipline, illustrating a similar concern for the moral welfare of the population. Nonetheless, in the balance, it is debateable whether Parliament's legislative record alone can restore the reputation of Revolutioner government, King William II's reign blighted by Jacobite intrigues, alleged elite factionalism, the massacre of Glencoe, Darien, and successive harvest failures. Even so, it is unfair to attribute these wholly to Parliament. For the most part, the Convention Parliament coped admirably well with a major political crisis not of its making, instituting an instrument of government that settled the crown and established the Presbyterian Kirk – theoretically securing a measure of procedural independence and limiting the King's prerogative powers. Likewise, much the same can be said with regards the routine business that accounted for much of Parliament's legislative output.

CHAPTER 8

Committee Procedure 1689 – 1702

The Scottish Revolution settlement not only determined the succession of the crown. In terms of parliamentary procedure, constitutional reform was responsible for a new means of government through a series of regular committees – comparable to procedure observed in the Covenanted Parliaments of the 1640s. However, it is impossible to fully appreciate the significance of this development without some understanding of the former system. Traditionally, it has been argued that the ‘...constitutional development [of the Scottish Parliament] was...hampered by the peculiar institution which came to be known as the Lords of the Articles...’¹⁰⁹² Through the clerical estate, the crown effectively controlled the election of the standing committee that determined the agenda of Parliament. Consequently, for practical purposes, Parliament’s role was to sanction crown policy. Nevertheless, R. S. Rait has questioned the impact of the abolition of the articles, arguing that ‘...it is not clear that the Parliament gained much from its successful effort to abolish the [committee] instead of reforming its constitution and limiting its powers’.¹⁰⁹³ Does analysis of contemporary committee structure – particularly with regards organisation and procedure – support the notion that the reform of the machinery of government in 1689 was of paramount importance in Parliament’s evolution or was it little more than cosmetic?

The Convention of Estates was critically important considering the future history of the Revolution Parliament – setting the tone with regards membership, policy and procedure. In the absence of effective royal authority, the Convention reverted to the

¹⁰⁹² J. Mackinnon, The Constitutional History of Scotland from Early Times to the Reformation, (1924), 275.

¹⁰⁹³ R. S. Rait, The Parliaments of Scotland, (1924), 391.

Covenanting model of government through a series of committees. The first of these, the committee for controverted elections, chosen on 14 March, had been a feature of Parliament since the Restoration. However, in this instance, the committee was chosen by the estates, rather than the King's commissioner, practice observed in the previous Parliament. This posed the problem of whether the bishops '...were a distinct Estate, or only part of the same Estate with the Lords Temporal?'¹⁰⁹⁴ Considering the Revolutioner majority dominated the Convention, it is hardly surprising that the estates settled on the second option. With the clerical vote nullified, they proceeded to name a committee consisting of fifteen members – five of each estate – with nine to be their quorum. Only three, the archbishop of Glasgow; John Murray, first marquis of Atholl; and Charles Erskine, fifth earl of Mar – who entertained a temporary illusion of a rival Jacobite Convention in Stirling – can be said to represent the Stewart interest. The other twelve members, including William, twelfth lord Ross; Sir James Montgomerie of Skelmorlie, 4th Bt.¹⁰⁹⁵; Thomas Drummond of Riccarton¹⁰⁹⁶; and William Hamilton of Whitelaw¹⁰⁹⁷ – all described by Colin Lindsay, third earl of Balcarres, as leaders of the Presbyterian and discontented party in the months prior to Revolution – were representative of the Williamite majority. In this respect it is small wonder that every debatable election was settled in favour of the respective Revolutioner candidate, most potential Jacobites '...[yielding] their claims, perceiving nothing of justice was so much as pretended to be done'.¹⁰⁹⁸ This effectively describes the committee structure prevalent in the Convention of Estates. No contemporary record of this is known to have survived, but from those elected it is quite obvious that the various committees were dominated by the Revolutioner hierarchy. By restricting

¹⁰⁹⁴ *Proceedings*, I, 2.

¹⁰⁹⁵ Ayrshire.

¹⁰⁹⁶ Linlithgowshire.

¹⁰⁹⁷ Queensferry.

¹⁰⁹⁸ Balcarres, 24.

analysis to the five principal bodies elected during this period, it is possible to further illustrate this point. For example, the committee for securing the peace – numbering three of each estate – included Skelmorlie; William Anstruther of that ilk¹⁰⁹⁹; and William Hamilton of Whitelaw – three of those Balcarres identified as opposition leaders – Ludovic Grant of that ilk¹¹⁰⁰ – whose influence in the north was essential to the success of the Revolution – George Stirling¹¹⁰¹ – one of those responsible for the recent anti-Catholic riot in Edinburgh – and Sir John Dalrymple of Stair, Kt.¹¹⁰² – the former lord advocate, keen to rehabilitate himself as part of the new regime. Potential opposition was provided by Atholl, a notorious absentee from the Convention, whose latent Jacobite tendencies were by no means committed. In effect, as in the former example, the ascendant Revolutioner interest enjoyed an insurmountable majority in the committee. This pattern is also evident in the committee for settling the government, although in this instance, it required a different means of election to be confident of a definite majority. On 26 March, debate arose whether ‘...a Committee [should be] named or if the matter should be treated of in the wholl house...’¹¹⁰³ Considering the significance of the matter to be discussed, it was voted that a committee of eight of each estate should be named, but ‘...any of the members of the meeting allowed to be present to hear what past in the Committee’.¹¹⁰⁴ Following the vote, the six bishops then in attendance ‘...moved that they might have the Priviledg of a State’.¹¹⁰⁵ However, in the manner previously observed, it was moved that the bishops and nobility should vote together. On this judgement, it was asked whether each estate should elect their own representatives, or ‘...if each member in the house should name twenty

¹⁰⁹⁹ Fife.

¹¹⁰⁰ Inverness-shire.

¹¹⁰¹ Edinburgh.

¹¹⁰² Stranraer.

¹¹⁰³ APS, IX, 22.

¹¹⁰⁴ Ibid.

¹¹⁰⁵ Proceedings, I, 20.

four...'¹¹⁰⁶ With the approval of the latter method, the Convention negated any residual effect the bishops might have had on the composition of the committee. This is illustrated by the fact that of the twenty-four successfully elected, five were former émigrés – Archibald Campbell, tenth earl of Argyll; George, fourteenth earl of Sutherland; George, fourth lord Melville; Henry Erskine, third lord Cardross and Sir Patrick Home of Polwarth, 2nd Bt.¹¹⁰⁷ – five were representative of domestic resistance to royal policy – William Lindsay, eighteenth earl of Crawford; Adam Cockburn of Ormiston¹¹⁰⁸; William Blair of that ilk¹¹⁰⁹; Skelmorlie and Whitelaw – and of the remaining thirteen, well over half had a legitimate grievance with James VII. To all intents and purposes, these were also the men who constituted the remaining two committees of the period. Of the twenty-four commissioners appointed to consider the prospect of a union with England, eighteen – seventy-five percent – had also sat on the committee for settling the government. Similarly, eighteen – sixty-two percent – of the twenty-nine chosen to form a committee of estates in April, were formerly members of this group. Nine – Crawford; Robert Ker, fourth earl of Lothian; Ormiston; Polwarth; Sir John Hall of Dunglass, 1st Bt.¹¹¹⁰; Sir Charles Halkett of Pitfirrane¹¹¹¹; Whitelaw; James Fletcher¹¹¹²; and John Muir¹¹¹³ – formed part of all three committees – continuity proving greater among the burgh estate – the first four of whom had also sat on the committee for controverted elections. Effectively suggesting the existence of what amounts to a standing committee, these statistics invite comparison with the lords of the articles. For instance, of the one hundred and eighty-nine in-

¹¹⁰⁶ APS, IX, 22.

¹¹⁰⁷ Berwickshire.

¹¹⁰⁸ Haddingtonshire.

¹¹⁰⁹ Ayrshire.

¹¹¹⁰ Edinburgh.

¹¹¹¹ Dunfermline.

¹¹¹² Dundee.

¹¹¹³ Ayr.

dividuals who sat in the Convention at least once, forty-nine – twenty-six percent – served on a committee. Limiting this to those chosen more than once, the figure falls to seventeen percent or thirty-three individuals. In comparison, the lords of the articles chosen on 23 April 1685, involved approximately twenty percent of a Parliament of almost identical size. In this respect, were the committees elected in at the Revolution significantly different from that formerly chosen? Theoretically, the fact that each committee was now freely elected and no longer instigated legislation, rather deliberating on what was first raised in the Convention – an important point that will receive further attention below – emphasises the fact that they were different. Nonetheless, the committee had proven that it was still a powerful weapon – illustrated by the action of the committee for elections – and through its role in the legislature could still hope to exert considerable influence over the estates. Likewise, although the number of committees had increased, the percentage of those involved in active government remained relatively constant – regularly drawn from an exclusive group of prominent dissidents, comprising the core of the Revolution leadership. Nevertheless – with the exception of the occasional Jacobite protest – there appears to have been no obvious criticism of the legality of these proceedings. Undoubtedly most were satisfied to see the articles – by now commonly associated with the worst excesses of Stewart rule – replaced by a system that owed its legitimacy to the Covenanting era of some fifty years earlier.¹¹¹⁴ The committees chosen in the Convention display characteristics reminiscent of the articles, although the most crucial factor was that in their selection, initiative now theoretically belonged to the estates.

¹¹¹⁴ See chapter seven.

Even so, nothing definite had been established, and with regards the election of committee, the government assumed that with the Convention transformed into a regular Parliament, established procedure would be restored. The committee of the articles has become synonymous with much of what was traditionally perceived wrong with the Scottish Parliament. However, as is the case with many aspects of Parliament's history, recent research has cast some doubt on this damning verdict. R. Tanner has convincingly argued that before 1540, although there was a tendency towards increased royal control of the committee, this was far from overwhelming. He concludes that during the period, the articles were more a servant of the estates than the crown.¹¹¹⁵ It is difficult to make a similar claim on behalf of the committee in the seventeenth century. Restructured by James VI in 1621, the manner of election, which had differed throughout the period, was regulated. The bishops – owing their office to the King – chose eight favourable noblemen, who in turn, chose eight bishops. Together they nominated the shire and burgh members, usually representative of the government interest. With the addition of the officers of state, the crown could hypothetically depend on the committee that essentially set the agenda of Parliament, facilitating royal management of the estates. This procedure was observed until the articles were abolished by the Covenanting movement in 1640. From this point, use of the committee was deemed optional for all subsequent Parliaments, and if elected, each estate was given the freedom to choose their own representatives. The role of the articles would be preparatory, limited to dealing with business first presented in Parliament.¹¹¹⁶ Nonetheless, the situation was reversed at the Restoration when Charles II restored the articles – resurrecting the former method of nomination in 1663. This explains the situation as it stood in 1689, the resolution of which would dominate the

¹¹¹⁵ R. Tanner, 'The Lords of the Articles before 1540: A Reassessment', *SHR*, (2000), 212.

¹¹¹⁶ J. R. Young, *The Scottish Parliament 1639 – 1661: A Political and Constitutional Analysis*, (Edinburgh, 1996), 21-22.

first two sessions of Parliament. Despite the fact that the articles chosen by James VII in 1685 – 1686 were distinguished in their opposition to his demand for a full toleration for Catholicism – the draft act passing the committee by only four votes – the committee was considered incompatible with the Revolution settlement. The abrogation of the articles was not something immediately considered by the Prince of Orange's advisors, who recognised the fact that on a practical level the committee was useful. Nevertheless, the very mention of articles – albeit elected in a manner satisfactory to the estates – attracted criticism associated with Stewart despotism. This principally explains the support enjoyed by Sir James Montgomerie of Skelmorlie's opposition Club, whose campaign of 1689 – 1690, proved crucial in terms of constitutional reform – legislation first conceived in 1640 forming the core of their demands in the Convention Parliament.

The business of the first session of Parliament began on 17 June 1689, when William Douglas, third duke of Hamilton – the King's commissioner – proceeded to the consideration of the articles. He had been instructed to pass an act regulating the election of the committee, which was now to number eight of each estate – chosen by the respective benches – with the addition of the officers of state. They were then sanctioned to '...prepare Matters and Acts for the Parliament, but not to exclude Parliament to take Matters into their Consideration, though [they] hath been thrown out, or rejected in the Articles...' ¹¹¹⁷ In spite of this, it seems that a committee of eight of each estate chosen by whatever means to meet and prepare legislation for Parliament was too reminiscent of the former system. It was argued that according to former practice and precedent set in previous Parliaments, this or any other proposal could

¹¹¹⁷ APS, IX, 125-126.

not be discussed before the oath of allegiance was taken.¹¹¹⁸ Hamilton, fully aware that the situation was precarious, granted the demand, successfully proposing an act that recognised William and Mary's royal authority and right to the crown. With nothing resolved in the opening exchange, it was the following day before consideration of the articles resumed.

The act for regulating the committee was read at length, prompting several questions from the opposition. First, it was asked whether '...the act proposed by the commissioner supposed a constant committie, which [the first article of] grievance, as it was worded, did particularlie levell at'.¹¹¹⁹ Secondly, the opposition queried the clause concerning each estate's right to choose their own representatives, contending that this was '...contrar to the meaning of the grievance, which expreslie proposeth that all committies of Parliament should be chosen by the estates...'.¹¹²⁰ Finally, they attacked the proposal that the officers of state should be supernumerary '...unless chosen by the house, cannot be members of anie committie according to the words of the grievance...'.¹¹²¹ Debate concentrated on the actual content of the ambiguous grievance that proved fundamental in deciding the fate of the articles. On 24 April 1689, the Convention had approved the following.

The Estates of the Kingdome of Scotland Doe Represent that the Committee of Parliament called the Articles, is a great grievance to the Nation, and that there ought to be no Committees of Parliament but such as are freely chosen

¹¹¹⁸ *Leven and Melville Papers*, 59.

¹¹¹⁹ *Fraser, Melvilles*, 109.

¹¹²⁰ *Ibid.*

¹¹²¹ *Ibid.*

by the Estates to prepare motions and overtures that are first made in the house.¹¹²²

In a letter to Lord Melville dated 18 June, Sir John Dalrymple – representing the government interest – argued ‘...that it was never thought a fault that ther should be a constant commity of the most knowing members to prepair matters to the Parliament...’, but that the grievance reflected on the manner of election restored by Charles II in 1663.¹¹²³ However, Dalrymple was very much in the minority. It was put to the vote whether to delay discussion, but this trial motion was rejected. With the balance very much in their favour, the opposition pushed for clarification on whether the grievance actually referred to a constant committee, although not strictly expressed in the text. Despite Hamilton’s objection that he could not consent to the vote, the opposition easily carried the motion with over two-thirds of the house. The commissioner, ‘...seing the ffirst vote goe wronge...’, sought refuge in a short adjournment.¹¹²⁴ Clearly Hamilton considered a further adjournment until he could receive additional instruction from the King, a course of action also advocated by Dalrymple. Nonetheless, when asked for their opinion, the Privy Council, by thirteen votes to nine, resolved that if Parliament would proceed to business without the articles, the commissioner should not adjourn them – a recommendation contrary to his orders.¹¹²⁵ Dalrymple summarised this in a letter to Melville written on 20 June, claiming ‘...that to bring in matters in plain Parliament is to put the King upon that rock constantly to

¹¹²² APS, IX, 45.

¹¹²³ Leven and Melville Papers, 64.

¹¹²⁴ *Ibid.*, 59.

¹¹²⁵ *Ibid.*, 72; RPCS, XIII, (Edinburgh, 1932), 451; Fraser, Melvilles, 212-213. Of the twenty-four present in council on 20 June, nine – Archibald Campbell, tenth Earl of Argyll; George, fourteenth earl of Sutherland; William Johnstone, second earl of Annandale; William, twelfth lord Ross; Sir James Montgomerie of Skelmorlie, 4th Bt.; Sir Patrick Home of Polwarth, 2nd Bt.; Adam Cockburn of Ormiston; James Brodie of that ilk; Sir John Hall of Dunglass, 1st Bt. – subscribed the Club address to the king in September 1690. There is no contemporary role of how the council voted on 20 June, but it is probable that the opposition enjoyed a temporary majority.

impose his negative, and so break with his Parliament, which our ancestors hav wisly shuned by that preparatory committee [the Articles]’.¹¹²⁶

Parliament sat the following morning, but notwithstanding what had passed in council, the Club seem to have lacked conviction, reckoning it safer to accept Dalrymple’s proposal to consider procedural issues – in this instance the problem posed by absent members – rather than risk introducing legislation contrary to the King’s wishes. However, with this concluded, discussion reverted to the points first raised on 18 June. With the first of these concerning a constant committee already resolved, a draft act was produced for the consideration of Parliament addressing the second. In essence it also relied on a literal translation of the grievance, ‘...declaring that it was the priviledge of the three Estates be the plurality of votes of the wholl members to name Committies of such equal numbers from the severall benches...’, not the responsibility of each separate estate.¹¹²⁷ This proposition was criticised on the grounds that in practice there was no parity between the estates, and the numerically largest could theoretically influence the election of the other two. Following protracted debate, the matter was delayed till the next meeting. In the mean time, Parliament resumed discussion of the third point, whether officers of state should be added to committees in the style of the previously proposed act. The Club maintained their former position, asserting that an officer of state could not be admitted as a member of a committee unless elected. In response, Dalrymple argued in favour of the royal prerogative, buying time to search the records in an attempt to accurately establish former precedent. He claimed ‘...that ther was never a Parliament in Scotland on record, bot ther wer

¹¹²⁶ Ibid., 68.

¹¹²⁷ APS, IX, 127.

articles...' and '...that for a hundreth and sixty years last, except from the forty to sixty three, the officers of stat wer alwys member[s]...' ¹¹²⁸

This observation had no affect on the now amended draft act presented to Parliament on 25 June. It was now generally agreed that the members of committee would be chosen by the respective estates, but there was no alteration in the Club's attitude concerning the inclusion of the officers of state – who could not be included unless elected. In addition to this, the draft differed from that contained in Hamilton's instructions in two further areas. First, there was no longer any stipulation regarding numbers, the estates being authorised to nominate committees '...of what number of members they please, being equall of every Estate....' ¹¹²⁹ Second, the role of the committee was altered from preparing matters and acts to be discussed in Parliament, to '...prepairing motions and overtures that are first made in the house...' ¹¹³⁰ Similarly, it was resolved that Parliament would have authority '...to treat vote and conclude upon maters brought in in plaine Parliament without remitting them to any Committee if they think fit...' ¹¹³¹ With this final clause voted and approved, the act regulating the committees of Parliament was again read, put to the vote, and carried by an impressive majority – William Lindsay, eighteenth earl of Crawford, president of Parliament, estimating that there were not above ten who voted in the negative. ¹¹³² Hamilton signified that this vote was incompatible with his instructions, and refused to give the royal assent to the act until he had had the opportunity to acquaint the King of its content, adjourning Parliament to the following morning.

¹¹²⁸ Fraser, *Melvilles*, 112; *Leven and Melville Papers*, 81-82.

¹¹²⁹ *APS*, IX, 128.

¹¹³⁰ *Ibid.*, p. 128.

¹¹³¹ *Ibid.*, p. 128.

¹¹³² *Leven and Melville Papers*, 80.

On 26 June, Parliament continued with deliberation of the act regulating the committees, proceeding to the reasons for rejecting the act previously brought in by the commissioner. The main source of controversy was a clause presented by William, twelfth lord Ross, which implied that the offer of the crown was contractual. Should the grievance not be adequately redressed, ‘...our vote establishing the Croune upon King William and Queen Mary might be thought not sufficiently founded, if statutes and acts of Parliament could be obstruded against the solemn determination of the Estates’.¹¹³³ Dalrymple was fiercely critical of this, describing it as derogatory to the crown, calling it ‘...the most impertinent claus I ever saw...’,¹¹³⁴ while the president refused to proceed if Parliament insisted on its inclusion.¹¹³⁵ Following further reasoning the clause was rejected by the majority, but it was agreed to send both the amended act and reasons to the King by a vote of eighty-four to eleven.¹¹³⁶ In an attempt to vindicate his actions Ross sent a letter to the King, claiming that the clause had been misunderstood, stressing his fear that the affair would be misrepresented by Dalrymple. In a personal letter to Melville of the same date – 27 June – he was far more scathing, protesting that ‘...[he] was hazarding [his] life and fortune for the King, as he himself knows; [while] my accuser [Dalrymple] was serving King James, and defending the Prince of Wales right’.¹¹³⁷ The enmity felt towards the Dalrymples played a significant part in succeeding events.

The representation sent to the King, the articles were put aside, and Parliament progressed to consider other issues – principally the incapacitating act; the act abolishing prelacy; royal supremacy in the church; and an act concerning forfeitures. Nonethe-

¹¹³³ Ibid., 93.

¹¹³⁴ Ibid., 74.

¹¹³⁵ Ibid., 91.

¹¹³⁶ Ibid., 98.

¹¹³⁷ Ibid., 95.

less, little was actually concluded, Hamilton unwilling to endorse anything contrary to his instructions, lamenting the fact that ‘...all business delays extreamly by not having Articles or Comitties...’¹¹³⁸ He impatiently waited for the King’s answer which was presented to Parliament on 9 July, his instructions differing considerably from those of the former month. It was now proposed that the committee would be elected monthly or oftener, and consist of thirty-three as opposed to twenty-four individuals – eleven of each estate – with the addition of the officers of state. A further clause was added stipulating that it would now be possible for anything proposed in Parliament to be remitted to the articles.¹¹³⁹ However, with the abolition of the articles a critical part of the opposition manifesto, these amendments brought no respite for the government. In response, Ross – on behalf of the opposition – asked that this act should be compared with that sent by the estates to the King in order to assess what satisfaction they had received. Skelmorlie then proceeded to a prepared discourse, which showed that the new act differed from that proposed by the Parliament on four main points – essentially those that had caused Parliament to refuse the original court act. Nevertheless, he concluded ‘...that since the King had com som lenth in his letter, he wold certainly have granted all, if he had not been ill advysed’.¹¹⁴⁰ William Johnstone, second earl of Annandale declared that this was satisfactory grounds for an inquiry to discover ‘...who did advyc the King to send down an answer not aggreable to ther desires’.¹¹⁴¹ This was a thinly veiled attack on the advocate Sir John Dalrymple, Kt., his father Sir James, and to a lesser extent Lord Melville. Indirectly attacking crown policy through criticism of prominent advisers was an established practice, and one eagerly pursued by the Club.

¹¹³⁸ *Ibid.*, 134.

¹¹³⁹ *APS*, IX, 132.

¹¹⁴⁰ *Leven and Melville Papers*, 152.

¹¹⁴¹ *Ibid.*, 151.

Rumour was rife that the elder Dalrymple and George, Lord Melville effectively monopolised the King, as evidenced by those recently nominated as Privy Councillors and lords of session. Melville attracted additional criticism for his moderate nature, and attempt to secure office for his cousin – George Mackenzie, first viscount of Tarbat – one of those targeted by the incapacitating act.¹¹⁴² This was given form in a political pamphlet written by Robert Ferguson, most probably around October 1689. The King was absolved from all blame ‘...seeing he cannot be supposed to be acquainted yet either with the Scotch Laws, or with their forms, and does only sign what others prepare for, and offer unto him...’¹¹⁴³ Condemnation was reserved for ‘...those ill Men, who told him that to part with the Lords of the Articles, was to throw away the brightest Jewel of his Crown’.¹¹⁴⁴ Much of this political posturing can be discounted, but there is a great deal of truth in the charge that William had little practical knowledge of Scottish affairs. In this respect, it is reasonable to assume that Lord Melville and Sir James Dalrymple of Stair, 1st Bt. – former émigrés with ready access to the King, the foremost Scots then at court, and two of the three individuals accredited with introducing revised electoral procedure in the burghs – had a considerable hand in contemporary court policy.¹¹⁴⁵

This apart, despite a motion of 10 July that the articles should be resolved before proceeding to any other business, the opposition contented themselves with a further attack on Sir John Dalrymple. One of three commissioners appointed to offer the throne

¹¹⁴² Five men were specifically targeted by the act – William Douglas, first duke of Queensberry; Tarbat: Sir George Mackenzie of Rosehaugh, Kt.; John Graham, first viscount of Dundee and Colin Lindsay, third earl of Balcarres – designed to incapacitate them from future public office.

¹¹⁴³ The Late Proceedings and Votes of the Parliament of Scotland; Contained in an Address Delivered to the King, Signed by the Plurality of Members thereof, Stated and Vindicated, (Glasgow, 1689), 40.

¹¹⁴⁴ *Ibid.*, 22.

¹¹⁴⁵ See chapter two.

to the Prince and Princess of Orange on 24 April 1689, it was alleged that Dalrymple had proposed that the King should take the coronation oath before the grievances were read, contrary to the instructions of the estates – circumventing the implicit contractual content.¹¹⁴⁶ In his defence, Dalrymple argued that his advice had not been followed, and he had concurred with the other commissioners. In conclusion, Hamilton called for a short adjournment until 17 July, cutting short another debate touching on contractual kingship.

In the next sederunt, Parliament resumed deliberation of how best to establish Presbyterian Church government. Consequently, the King instructed Hamilton – albeit the articles had not been resolved – to allow the estates to choose four committees, in order to facilitate proceedings – the first for church government; the next to rescind fines and forfeitures; another to revoke the act of 1685 annexing forfeited land to the crown; and finally a committee to consider supply. Similar in style to those elected in the Convention, from their designation they were more specific than the ordinary committees that became standard from 1693, chosen to consider particular areas of legislation. However, these instructions proved academic. On 23 July, the question was raised whether committees could be legally appointed ‘...even with the Kings libertie, in respect the law was yet unrepealed constituting the Articles’.¹¹⁴⁷ Consideration of the matter was delayed till the next meeting, but not resumed before the first session was adjourned on the 2 August – all other deliberation taking place in Parliament.

¹¹⁴⁶ Leven and Melville Papers, 166.

¹¹⁴⁷ *Ibid.*, 188.

In the interim both the government and opposition attempted to consolidate their position. The Club produced an address ‘...Sign’d by the greatest part of the Members of the Parliament of Scotland...’¹¹⁴⁸ – eleven noblemen, twenty seven shire and thirty-four burgh commissioners – which was presented to the King in October. This entreated ‘...the King quickly to call again the Parliament, and to confirm all the severall vots they mad, and to establish Church Government; in which caice they will serv him with life and fortun, and giv him a suply’.¹¹⁴⁹ Despite, this impressive show of solidarity – which can be accepted as a relatively accurate indication of opposition support – there was some controversy caused by two signatures in particular. Despite the fact that the Earl of Sutherland had consistently voted with the government, he subscribed the address, apparently influenced by Adam Gordon of Dalfolly – one of the commissioners for Sutherland. Likewise, Alexander Gordon, the provost of Aberdeen ‘...was drounk, and Sir John Hall and Sir James Ogilby got him to subscribe it as an address from the borrows’.¹¹⁵⁰ Nonetheless, the government were far from inactive, and with the political community largely gathered in London, proceeded to exploit emerging cracks in the opposition hierarchy, leaving Skelmorlie, his brother-in-law Annandale, and Ross, increasingly isolated.¹¹⁵¹ Probably the foremost weapon in the government arsenal was patronage. The fact that Parliament was adjourned for the best part of eight months gave the court ample opportunity to make use of this in preparation for the next session. Their method is apparent in a letter from Sir William Lockhart to Lord Melville, concerning the Club member, John Dempster of Pitliver,

¹¹⁴⁸ An Address Sign’d by the Greatest Part of the Members of the Parliament of Scotland and Deliver’d to His Majesty At Hampton Court, the 15th Day of October 1689, (? , 1689).

¹¹⁴⁹ Leven and Melville Papers, 239.

¹¹⁵⁰ *Ibid.*, 245.

¹¹⁵¹ P. A. Hopkins, ‘Sir James Montgomerie of Skelmorlie’, E. Cruickshanks (ed.), *The Stuart Court in Exile and the Jacobites*, 44. A split began to emerge between what Hopkins considers the Club’s constitutional wing comprising the likes of Sir Patrick Home of Polwarth, 2nd Bt., and the Skelmorlie leadership – probably exacerbated by court patronage.

one of the commissioners for Fife. Dated 30 December 1689, Lockhart wrote ‘...so far as I can understand him, I think he will be ready enough to [leave] them, but still (which is the plague of all our business) with the expectation ther should be somewhat don for him’.¹¹⁵² The fact that Pitliver abandoned the opposition, receiving a knight-hood sometime between 1690 – 1693, confirms Melville’s success in this particular endeavour, although the full extent and progress of court policy is difficult to determine.¹¹⁵³

The second session of Parliament began on 15 April 1690, George, fourth lord Melville appointed commissioner in place of Hamilton. Hamilton had at first been reluctant to accept the appointment in the previous session ‘...on so short advertisement, and without waiting on his Majesty...’, adding that ‘...I dare not undertake it, for so many reasons that it is impossible for me to writt them’.¹¹⁵⁴ P. W. J. Riley contends that Hamilton’s sole objective in the first session of Parliament was to further his own interest, and that he could have done far more to hinder the Club than he actually did, proving too liberal in ‘...allowing general discussion to develop from the floor at the Club’s initiative’.¹¹⁵⁵ Likewise, it is suggested that Hamilton and the Club leaders were in collusion over the timing of the adjournment.¹¹⁵⁶ Whether or not this was the case, the King evidently blamed Hamilton for the current situation, declaring that if his commissioner had done his duty and stopped the criticised vote, he would never have had so much trouble.¹¹⁵⁷ Nevertheless, a blank commission had been given to Melville along with instructions to first approach Hamilton and gauge his mood. On

¹¹⁵² Leven and Melville Papers, 358.

¹¹⁵³ Young, *Commissioners*, I, 181.

¹¹⁵⁴ Leven and Melville Papers, 21.

¹¹⁵⁵ Riley, *King William*, 26.

¹¹⁵⁶ Ibid. 27.

¹¹⁵⁷ NAS GD 406/1/6417.

15 February, Sir John Dalrymple informed Melville that with regards the duke ‘...I see him altogether undetermined, and in so great hufe and displeasur, that I can hope little success from this session...if yow should...com down heir for a month Commissioner, I am sure it would bring busines to a happy conclusion...’¹¹⁵⁸ On meeting with Hamilton, Melville reported to the King that ‘...I found him in that temper that I resolved to make use of the Commission you gave me to represent your Majesty in the ensueing Parliament...’¹¹⁵⁹

Melville’s instructions, dated 25 February, were comprehensive, receiving authorisation to give assent to the acts rescinding royal ecclesiastical supremacy, and restoring Presbyterian ministers removed since 1661 – voted in the previous session – and to pass acts settling church government and abolishing patronages.¹¹⁶⁰ In addition, he was instructed ‘...to deal with leading men in the Parliament, that they may concur for redressing of the grievances without reflecting upon some votes of Parliament much insisted on last Session; which upon weighty considerations, Wee thought not fit to pass into Laws; and what imployment or other gratifications yow think fit to promise them in Our name, Wee shall fulfill the same’. Similarly, Melville was instructed ‘...to deal with all other persons...whom you judge most capable to be serviceable unto Us, that they may be imployed as instruments for taking off these leading men, or for getting Intelligence, or for Influenceing Shyres or Royal Burrows, that they may instruct their Commissioners cordially to comply with Our Instructions for redressing of the grievances; and what money or other gratifications yow shall promise them, shall be made good’.¹¹⁶¹ Evidently, the court were prepared to go to consid-

¹¹⁵⁸ Leven and Melville Papers, 405.

¹¹⁵⁹ *Ibid.*, 418.

¹¹⁶⁰ *Ibid.*, 414.

¹¹⁶¹ *Ibid.*, 417.

erable lengths to resolve the stalemate that had crippled Parliament, making preparation for the extensive distribution of patronage approximately a month before the second session met.

Melville was also instructed ‘...to pass an Act anent the Election of Committees of Parliament, allowing them to choose either a grand Committee, or lesser Committees for particular busines, or both, as they shall desire; which Committees, consisting of equall numbers, chosen out of every estate by itselfe, shall continue for what time shall be thought fitt; some of our Officers of State being alwayes present in these Committies’.¹¹⁶² Despite conceding that there could be more than one committee and the number elected to each – stipulations of the Club act proposed on 25 June – the King’s instructions were not dissimilar to the draft acts proposed the previous session. The court had been happy to allow each estate to choose their own representatives, and the act produced in July had increased prospective membership from twenty-four to thirty-three. In addition, the contentious clause concerning the officers of state had not been withdrawn. This apart, this new proposal mirrored that favoured by the majority of Parliament. Nonetheless, the matter was not raised until 25 April, when it was moved that there should be committees chosen for church government and controverted elections. It was again stressed that ‘...all Committies were against the law except the Articles and so could not be appoynted till the act anent the Articles was rescinded...’¹¹⁶³ Parliament may well have been more accommodating, but they were not necessarily cooperative. On 8 May 1690, the committee of the articles was necessarily abolished after almost twelve months of deliberation. The act concerning the

¹¹⁶² Ibid., 414.

¹¹⁶³ APS, IX, 141.

election of committees of Parliament established the new committee structure, confirming

that this present and all succeeding Parliaments and three estates thereof may choise and appoint Committies of what numbers they please, There being alwayes an equall number of each estate to be chosen viz the noblemen by the estate of noblemen, The barrons by the Estate of Barrons, and the burrowes by the Estate of burrowes, for preparing all motions and overtures first made in the house...without prejudice alwayes to the estates of Parliament to treat vote and Conclude upon matters in plaine Parliament without Committies as they shall think fitt, And alsoe provydeing that in all Committies to be hereafter appointed some of the officers of State may be present by their Majesties or their Commissioners appointment. . .with power to the saids officers of state present in the saids Committies freely to propose and debate allennarly but not to vote...¹¹⁶⁴

Excepting the final clause concerning the officers of state – albeit the significance of their inclusion was technically diluted, their new role being simply advisory – Parliament successfully secured the act that had been advocated by the vast majority of its members on 25 June 1689. However, why did the crown concede defeat? Considering the committee system, it could be argued that the court had not relinquished much between June 1689 – May 1690. The potential for traditional management had been lost the moment the former method of nomination was abolished. Despite being forced to accept the revised role of the officers of state, committee procedure adopted in May

¹¹⁶⁴ Ibid., 113.

1690, is not radically different from that proposed in June and amended in July 1689. Nevertheless, bearing in mind the crown was also required to accept unmodified Presbyterian church government with several associated acts outside the King's original instructions, the court's response is reminiscent of wholesale surrender.¹¹⁶⁵ Even so, it is debateable whether the government had an alternative option. Parliament could have been dissolved and new elections staged, although this was not a guaranteed solution. In any case, the court was running short of funds, '...a Supply which may be suitable for maintaining the forces, and supporting the Government, with respect to the present danger that the country is exposed to, both from foreign invasion, and intestine commotions', an integral part of Melville's remit.¹¹⁶⁶ In this respect, twenty-eight months cess – revenue urgently needed for the nine years war with France – was probably considered satisfactory compensation for the surrender of some measure of control.¹¹⁶⁷ Described as '...unquestionably the most important constitutional enactment of the Parliament. . .'¹¹⁶⁸, did the abrogation of the articles herald a new era in Scottish government, or as Rait has argued, effectively replace like with like?

The articles resolved, Parliament proceeded to choose its committees. The most obvious distinction from those elected in the Convention was the percentage of the house actually involved. Nearly fifty percent of Parliament – eighty-two members – sat on a committee or commission – effectively a committee authorised to meet after Parliament was adjourned – chosen in 1690. Forty-four percent of this total – twenty percent of the full sederunt – served on more than one committee. Of those individuals

¹¹⁶⁵ Riley, *King William*, 39.

¹¹⁶⁶ Leven and Melville Papers, 414.

¹¹⁶⁷ APS, IX, 134.

¹¹⁶⁸ K. Stewart, 'The Scottish Parliament 1690 – 1702', *Juridical Review*, (1927), 415.

successfully elected, thirty-two – eleven noblemen, thirteen shire, and eight burgh representatives – had sat in at least one of the five principal committees chosen the previous year. Considering the support enjoyed by the Club in the former session, it is no surprise that of those now elected, some forty percent were once associated with the opposition, in comparison to twenty-five percent confirmed as government supporters. However, this aside, a number of the characteristics identified with regards the Convention committees are equally applicable here. Dominated by the Revolutioner majority, the committee for settling the church; the commission for fines and forfeitures; and the commission for visiting schools and universities; proceeded to implement the next phase of Presbyterian policy – settling scores and redressing the grievances of the former reign. On the whole any statistical change with regards active participation, was caused by fluctuating attendance and a temporary increase in the number of committee places, rather than the result of new legislation. The fact that only twenty percent of the second session of Parliament were employed in more than one committee, indicates a level of consistency not dissimilar to that evident in the period 1685 – 1689.

It is relatively straightforward to accurately identify the composition of parliamentary committees in the period 1689 – 1702. However – largely because of the fact that little relevant manuscript material survives – it is far more difficult to provide a comprehensive analysis of their internal organisation and procedure. General examination of the available record has placed emphasis on significant – if not definitive – practices that can be categorised under three broad headings. The first – the election of an individual to preside in committee – although not regulated by any obvious legislation, was almost certainly an established pragmatic measure, based on former prece-

dent. The standard practice observed through most of the period, involved electing a president at the beginning of each committee meeting.¹¹⁶⁹ However, it is apparent that this was not always the case. For instance, Alexander Montgomerie, eighth earl of Eglinton was elected president of the committee for controverted elections in May 1690, and almost certainly continued in that role until 3 June, when replaced by John Hamilton, second lord Belhaven.¹¹⁷⁰ Similarly Eglinton was chosen president of the committee for trade in April 1693, officiating in seven of the ten recorded meetings. Belhaven presided in the other three ‘...chosen in absence of the Lord Eglinton’.¹¹⁷¹ In comparison, the record of the committee for security of the kingdom of that year records three different presidents – Archibald Campbell, tenth earl of Argyll, William Lindsay, eighteenth earl of Crawford, and William Johnstone, second earl of Annandale – in a period of approximately fourteen days.¹¹⁷² Few minutes of these meetings survive, but one is suggestive of procedure followed in the Convention. When William, third duke of Hamilton was named president of the committee of estates in April 1689, he occupied the chair until necessary absence prompted the temporary elevation of William, twelfth lord Ross. This example obviously points towards constant presidency in committee. However, it is uncertain whether or not both methods of election were practised concurrently for an extended period. The regular election of a committee president was probably prompted by largely practical considerations – resulting from the enforced absence of members involved in other areas of government – and appears universal from 1695.

¹¹⁶⁹ D. L. Smith, *The Stuart Parliaments 1603 – 1689*, (London, 1999), 72. In England committees of the upper house were chaired by the peer who was first in order of precedence, but in the latter part of the century, this ‘...gave way to the election of a peer of appropriate ability, knowledge and availability’. Commons committees chose their own chairmen throughout the century.

¹¹⁷⁰ NAS PA 7/13/7/1.

¹¹⁷¹ NAS PA 7/14/99/1-8.

¹¹⁷² NAS PA 7/14/87-89.

Nevertheless, the consequence of this procedure seems to differ from one committee to another – illustrated by the contrasting status and number of those returned. For example, in the fifth session of Parliament, over five meetings of the committee for security of the kingdom, from 31 May to 11 June 1695, three different members – James, second duke of Queensberry; John, second lord Carmichael, and Sir William Hamilton of Whitelaw, Kt. – were chosen president – Whitelaw serving on three separate occasions.¹¹⁷³ Over twenty meetings of the equivalent committee for trade, from 15 May to 13 July 1695 – representing a reasonably complete sequence of minutes – sixteen of the twenty-one members were elected president at least once.¹¹⁷⁴ All seven noblemen were chosen – five on two occasions – six shire, and three burgh commissioners.

Similar statistics are apparent in the seventh session of Parliament. In twelve meetings of the committee for security of the kingdom, between 12 August and 21 September 1698 – a comparable period to that described above – while only six of twenty-seven members occupied the chair, the status of those chosen remained consistent.¹¹⁷⁵ George, first earl of Melville; Argyll; and Hugh Campbell, third earl of Loudoun were all elected once; Annandale on six occasions; Sir William Hamilton twice; and Sir Hugh Dalrymple of North Berwick, 1st Bt. – president of session and commissioner for New Galloway – once. In this instance, representatives of the noble estate – the lords of Parliament – presided in seventy-five percent of recorded meetings, similar to the previous total of sixty percent documented in 1695. Minutes also survive for the committee for trade, which met fourteen times between 22 July and 29 August

¹¹⁷³ NAS PA 7/15/49.

¹¹⁷⁴ NAS PA 7/15/58/1-7.

¹¹⁷⁵ NAS PA 7/16/84/1-5.

1698.¹¹⁷⁶ The number of those chosen to preside was less than in 1695 – here only a third of the twenty-one members – but these individuals conform to the model established above. Alexander Montgomerie, eighth earl of Eglinton was elected three times; John Hay, twelfth earl of Erroll twice; George Mackenzie, first viscount of Tarbat on five occasions; David Carnegie, fourth earl of Northesk; David, second lord Ruthven; Sir John Swinton of that ilk, Kt.¹¹⁷⁷; and Sir Francis Scott of Thirlestane, 1st Bt.¹¹⁷⁸; once each. Effectively, representatives of the parliamentary peerage presided in eighty-six percent of these committee meetings, confirming their dominance of proceedings.

This is consistent with statistics derived from the committee for security of the kingdom that sat on fourteen occasions between 29 May 1700 and 3 January 1701.¹¹⁷⁹ Seven of the twenty-seven members presided in full committee, six of whom were noblemen – John Erskine, sixth earl of Mar; David, third earl of Leven; Annandale; Argyll; John Maitland, fifth earl of Lauderdale, and John, second lord Carmichael – occupying the chair in eighty-six percent of recorded meetings. Finally, the committee for controverted elections chosen in the ninth session of Parliament provides an interesting comparison.¹¹⁸⁰ Meeting thirteen times in a period of around two months, only two of the fifteen members served as president – John Campbell, first earl of Breadalbane, and John Dalzell, fifth earl of Carnwath. The rank of these individuals is comparable to that previously discussed, though the survival of a sequence of five votes illustrates the fact that both actively contested the presidency on an almost daily basis. Carnwath was successfully elected only once – twice registering a single vote

¹¹⁷⁶ NAS PA 7/16/85.

¹¹⁷⁷ Berwickshire.

¹¹⁷⁸ Selkirkshire.

¹¹⁷⁹ NAS PA 7/17/2/148.

¹¹⁸⁰ NAS PA 7/12/2/156/1-13.

Breadalbane polling eight and seven respectively. The closest contest occurred on 8 January 1701, when Breadalbane carried the presidency by four votes to three. This suggests that the position of president was not simply an empty honour. The level of contest implies that the role was of some significance to the holder, although its full relevance is yet to be determined. The president endorsed relevant legislation, and presumably led discussion, but whether he was able to exert further influence over the committee remains open to question. Similar doubt exists with regards the means of election. Was the seemingly earlier method of constant nomination ever completely superseded by regular election, and if so, were the reasons practical – as suggested here – or rather a means to satisfy the ego of those involved? However, it can be claimed with rather more certainty that during this period, the president of committee was invariably a nobleman – the first estate presiding on sixty-five of eighty-nine recorded occasions. In comparison shire and burgh representatives polled a combined twenty-four appearances, enjoying more equal representation with regards the presidency of subcommittee – a point requiring discussion below.

The second point particularly relevant in this attempt to reconstruct committee government is attendance. Difficult to analyse with any real accuracy, it had an obvious effect on statistics concerning both membership and presidency. To begin, the fact that Parliament established quorums for its committees, would suggest that full attendance was the exception rather than the rule. Nonetheless, attendance posed a problem for committee – as it did Parliament – and from the surviving record it is possible to identify two attempts to address this.¹¹⁸¹ On 13 May 1690, the committee for contro-

¹¹⁸¹ D. L. Smith, *The Stuart Parliaments 1603 – 1689*, (London, 1999), 72. This was not a problem unique to the Scottish parliament. Smith records that in England ‘...attendance at committees was often extremely poor, due partly to apathy and partly to the fact that because there was no centralised control of committees it was common for several of them to arrange to meet simultaneously’. Attempts to im-

verted elections instructed ‘...that those of the committee who observe not punctually the dyets appoynted that they pay half one dollar’.¹¹⁸² Likewise on 24 April 1693, the committee for trade ‘...resolved upon be a vote, that the members and clerks who shall not attend at the precise hours appointed be the committee for severall meetings, be put in a list of absents and reported to the Parliament, and that non of the members go away from the meeting of the committee befor the severall adjurnments without excuse, and that if any do ther names shall be insert in the said lists of absents’.¹¹⁸³ Unfortunately, it is impossible to say whether these measures had any real impact. Regular sederunts are rare, and as yet only three reasonably complete examples have been identified. While a negligible fraction of the committees elected between 1689 – 1702, they cover a substantial part of the period, and there is no reason to suggest that they are unrepresentative of equivalent bodies.

Theoretically, the earliest example is not strictly a committee in the sense described elsewhere in this chapter, rather an adjunct of the commission for visiting universities and schools. Chosen primarily to prepare acts, it consisted of fourteen individuals – including five Presbyterian ministers, two senators of the college of justice, and a further three representatives of the universities. Meeting six times between 13 and 29 October 1690, attendance averaged a steady seven, only once falling below this figure, then satisfying the quorum of five.¹¹⁸⁴ In comparison, attendance of the committee for security of the kingdom that met at least four times between the end of May

pose a quorum were generally not observed, and additional members were often added to the original committee. Neither of the latter seems to have affected attendance in Scotland, for it was extremely unusual for an individual to be chosen in more than one committee in any one session.

¹¹⁸² NAS PA 7/13/7/1.

¹¹⁸³ NAS PA 7/14/99/2.

¹¹⁸⁴ NAS PA 10/2/1.

and early June 1695, was far more erratic.¹¹⁸⁵ In the first three meetings attendance averaged only six of a possible twenty-seven – effectively two of each estate. However, on 8 June, attendance totalled twenty-four – nine noblemen, eight shire, and seven burgh commissioners. Of these only Patrick Home, first lord Polwarth appears on all four sederunts. Nevertheless, it is difficult to comment on such a limited sample. In this respect, the final example is of far greater significance.

The committee for controverted elections elected in November 1700, met thirteen times in a period of just over two months.¹¹⁸⁶ The average attendance was nine – sixty percent of the total fifteen members. Regarding regular committee participation, this seems a far more realistic figure – consistent with that evident in 1690 – than any of the two extremes apparent in 1695. In addition, it is possible to provide an accurate analysis of the attendance of each member of the committee over an extended period. Excepting Tarbat, everyone attended at least once. The most active member was the earl of Breadalbane, attending all thirteen meetings, closely followed by the earl of Carnwath and Mr. James Campbell of Burnbank and Boquhan – commissioner for Renfrew – who managed twelve appearances. Of the rest, three sat in eleven meetings, two in ten, two in seven, two in five, and two – John Cunningham, tenth earl of Glencairn and George Pringle of Torwoodlee¹¹⁸⁷ – recording only a single appearance each. In terms of each estate, burgh commissioners made a combined total of forty-nine appearances, shire members thirty-six, and the nobility thirty-one. These statistics are suggestive of a committee that was regularly attended by over half its complement – the nucleus provided by a group of approximately eight almost constant

¹¹⁸⁵ NAS PA 7/15/49.

¹¹⁸⁶ NAS PA 7/12/2/156/1-13.

¹¹⁸⁷ Selkirkshire.

members – without any obvious social imbalance.¹¹⁸⁸ For instance, despite the fact that burgh commissioners recorded more individual appearances, as an estate they enjoyed a majority in less than half of the recorded meetings. Whether or not this model is representative of contemporary committee structure – and there seems no reason to consider that it is not – it emphasises some of the problems associated with a statistical approach. Sederunts are an important source, but without supplementary evidence committee membership is only part of the overall picture – this condition necessarily affecting much of the content of this chapter.

The final area that requires some attention is procedure – principally the practice of remitting legislation to a subcommittee of the whole. The earliest recorded example of this dates from the Convention, when the committee for settling the government nominated a subcommittee consisting of Sir James Montgomerie of Skelmorlie, 4th Bt.; Sir Patrick Home of Polwarth, 2nd Bt.; Sir John Dalrymple of Stair, Kt.; and William Hamilton of Whitelaw, Kt.; to establish reasons why the throne was now vacant.¹¹⁸⁹ Of some note is the fact that the four are not representative of the three estates. Further evidence seems to confirm the fact that this was not an essential factor in subcommittee – at least for the period 1689 – 1698. For example, on 15 May 1695, the committee for trade named a subcommittee to consider overtures.¹¹⁹⁰ This included John Hamilton, second lord Belhaven; David, second lord Ruthven; Sir Francis Scott of Thirlestane, 1st Bt.; Sir John Swinton of that ilk, Kt.; Patrick Murray of Livingstone¹¹⁹¹; John Anderson of Dowhill¹¹⁹²; John Muir¹¹⁹³; and Hugh Brown¹¹⁹⁴ – two

¹¹⁸⁸ D. L. Smith, *The Stuart Parliaments 1603 – 1689*, (London, 1999), 72. Smith has noted that the membership of English committees ‘...tended to fall to a core of active members, and there was at times some evidence of an approximate link between activity and political alignment’.

¹¹⁸⁹ *Proceedings*, I, 24.

¹¹⁹⁰ NAS PA 7/15/58/1-7.

¹¹⁹¹ Linlithgowshire.

noblemen, three shire and three burgh commissioners. However, five days later, the same committee authorised six individuals ‘...to confer with the subcommittee for the security of the naval forces...’,¹¹⁹⁵ on this occasion consisting of two of each estate. Similar practice is apparent in the committee for security of the kingdom elected in August 1698. Choosing at least two subcommittees in this period, the first was appointed to ‘...examine the state of the funds formerly laid on...’, comprising four shire members – Sir John Home of Blackadder, 2nd Bt.¹¹⁹⁶; David Boyle of Kelburn¹¹⁹⁷; Sir John Maxwell of Pollok, 1st Bt.¹¹⁹⁸; and Francis Montgomery of Giffen¹¹⁹⁹ – and one burgh representative – Sir John Hamilton of Halcraig, Kt., commissioner for Cullen.¹²⁰⁰ The second subcommittee, chosen to consider ‘...the fund for payment of arrears...’, included three of each estate – Melville; David, third earl of Leven; Loudoun; Sir John Maxwell of Pollok; Sir John Home of Blackadder; Sir James Elphinstone of Logie, 1st Bt.¹²⁰¹; Sir James Scougall of Whitehill, Kt.¹²⁰²; Sir William Hamilton of Whitelaw; and Robert Stewart, commissioner for Dingwall.¹²⁰³ Likewise, the equivalent committee for trade elected four subcommittees in a period of approximately one month. Only one, ‘...appointed for clearing what the rates of wool hath been for these ten years by past...’,¹²⁰⁴ consisted of an equal number of two from each estate. Considering the points concerning attendance discussed above, these results are hardly surprising. In effect, the membership of a subcommittee would be

¹¹⁹² Glasgow.

¹¹⁹³ Ayr.

¹¹⁹⁴ Inveraray.

¹¹⁹⁵ NAS PA 7/15/58/1-7.

¹¹⁹⁶ Berwickshire.

¹¹⁹⁷ Bute.

¹¹⁹⁸ Renfrewshire.

¹¹⁹⁹ Ayrshire.

¹²⁰⁰ NAS PA 7/16/84/1.

¹²⁰¹ Aberdeenshire.

¹²⁰² Kintore.

¹²⁰³ NAS PA 7/15/58/1-7

¹²⁰⁴ NAS PA 7/16/85.

dictated by those in committee on any one given day. This is borne out by the membership of the subcommittee chosen by the committee for controverted elections on 30 November 1700. Charged with ‘...preparing a report anent the depositions as to Wigtoun...’¹²⁰⁵, it included John Dalzell, fifth earl of Carnwath; Sir John Erskine of Alva, 3rd Bt.¹²⁰⁶; and Sir Robert Forbes of Learney, Kt.¹²⁰⁷ – three of the most regular members of the full committee. Nevertheless, it seems that from 1700, the election of those of subcommittees was much more consistent. Through November, the committee for security of the kingdom elected some twelve subcommittees.¹²⁰⁸ In all but one, representatives of the three estates were named in equal number – in most cases two or three. In fact, for most of the period, it is difficult to establish any definitive rule with regards either the election or number of subcommittees. Even so, it is safe to assume that they were by far the most common means of dealing with legislation remitted from Parliament to committee. This in mind, is it possible to determine how this mechanism actually worked?

The passage of an act through committee can be best illustrated with reference to a specific example – in this instance the ‘...[act] for preventing the growth of Popery...’¹²⁰⁹ The act was remitted to the committee for security of the kingdom on 5 November 1700, with two others for the security of the Protestant religion and Presbyterian church government, and ‘...for the more effectual execution of laws made for suppressing vice and immorality...’¹²¹⁰ The committee sat for the first time the following morning, proceeding to nominate six of their number as a subcommittee ‘...to

¹²⁰⁵ NAS PA 7/12/2/156/1.

¹²⁰⁶ Clackmannanshire.

¹²⁰⁷ Inverurie.

¹²⁰⁸ NAS PA 7/17/2/148.

¹²⁰⁹ Ibid.

¹²¹⁰ APS, X, 206.

take further consideration...' of the proposed legislation '...and prepare it better for the committee...' ¹²¹¹ The six chosen were John Erskine, sixth earl of Mar; John Dalrymple, second viscount of Stair; Sir Robert Dundas of Arniston, Kt. ¹²¹²; Sir John Home of Blackadder, 2nd Bt.; Sir Hugh Dalrymple of North Berwick, 1st Bt.; and Sir John Hamilton of Halcraig, Kt. They met at four o'clock that afternoon, electing Mar to serve as president. The '...draught of the act for preventing the growth of popery [was] read, and after severall reasonings and amendments made therto, recommended to Sir Hugh Dalrymple to extend the same...' ¹²¹³ Next morning the act was produced in committee, and '...after severall reasonings therupon...', it was agreed that it should be given back to the subcommittee '...to make further amendments or additions...' ¹²¹⁴ Dalrymple – president of session – was elected to preside over their next meeting, where after further alteration, the act '...was ordained to be extended in mundo'. On 8 November, the amended act was again presented to the full committee. Following further discussion of the clause pertaining to the succession of Catholic heirs, '...the draught of the act was voted and approven to be transmitted to the Parliament...', where – after some further clarification – it was given the royal assent on 23 November. ¹²¹⁵ One feature characteristic of this and other examples is the level of actual deliberation in both committee and subcommittee. This is supported by the fact that voting was commonplace, although results are seldom clearly recorded. One exception comes from the committee for Security of the kingdom dated 26 April 1693. Following a report from their subcommittee concerning funds for the establishment of four regiments of foot and two of dragoons, '...it was putt to the vote whither to delay

¹²¹¹ NAS PA 7/17/2/148.

¹²¹² Commissioner for Edinburghshire.

¹²¹³ NAS PA 7/17/2/148.

¹²¹⁴ Ibid.

¹²¹⁵ APS, X, 215.

[their decision] or not...'¹²¹⁶ The committee resolved to proceed in the matter by seventeen votes to six. It was then carried by an unopposed majority of twenty-two, that there '...may be no hearth money but pole money...', the quota of this set at four rather than three thousand pounds sterling by a less comfortable margin of fourteen to ten.¹²¹⁷ In addition, it was '...votted that ten moneths cesse and ane half be added to the funds abovementioned...' by fourteen votes to three.¹²¹⁸ In conclusion, the above provides evidence of a vigorous committee structure, in which subcommittees played a significant part in procedure – providing an additional stage in the legislative process that has been almost wholly overlooked.

From 1693 the occasional committees particular to the period 1689 – 1690 were replaced by a series of four standard committees chosen in each of the remaining five sessions of Parliament.¹²¹⁹ The designation of these – the committee for security of the kingdom; the committee for controverted elections; the committee for trade; and the committee for the address – was determined by former practice – all probably former subcommittees of the articles. However, is similar continuity reflected in terms of membership on a sessional basis? Throughout the period almost one hundred and sixty individuals served as members of committee. In a Parliament with an average attendance of one hundred and eighty, approximately thirty percent were represented on committee in any one session. This figure was obviously affected by overall attendance. For instance in 1698 only one hundred and twenty-one sat in Parliament, sixty-three of whom – fifty-two percent – were members of committee. In comparison one hundred and eighty-nine attended the first session of 1700, the proportion of commit-

¹²¹⁶ NAS PA 7/14/87/1-2.

¹²¹⁷ Ibid.

¹²¹⁸ Ibid.

¹²¹⁹ There were five standard committees in the final three sessions of parliament with the election of a committee to revise the minutes – consisting of one of each estate.

tee members falling to thirty-three percent. Likewise, in the ninth session, two hundred and eighteen attended Parliament, sixty-three of whom – twenty-eight percent – sat on committee. From the perspective of each estate, thirty-five percent of both noble and burgh members and thirty percent of shire commissioners were involved in committee during this period. In this respect, thirty percent seems a reasonably accurate estimate of committee membership in relation to total attendance from 1693 – 1700. Despite the fact that more parliamentary places were available from 1690 – a fact not necessarily represented by actual attendance – this percentage remains relatively consistent with that of the Convention, and not dissimilar to that recorded in 1685. Is it possible that the committee structure introduced at the Revolution did no more than reform the constitution of the articles?

This requires a closer analysis of who actually constituted the thirty percent of Parliament employed in committee. From a general examination of the period, it is possible to identify two significant trends. There was considerable continuity with regards the membership of committee from 1693 – 1695 and particularly 1698 – 1700. For instance eighteen of the twenty-seven members of the committee for security of the Kingdom elected in April 1693 were again chosen in May 1695. Likewise a third of the members of the committee for trade, and almost half of the committee for controverted elections, sat on both occasions. In total nine noblemen – Argyll; Crawford; Leven; Ross; Carmichael; Polwarth; Alexander Montgomerie, eighth earl of Eglinton; John Hamilton, second lord Belhaven; and Archibald Douglas, first earl of Forfar – nine shire members – George Baillie of Jerviswood¹²²⁰; William Baillie of Laming-

¹²²⁰ Berwickshire.

ton¹²²¹; Grant of that ilk; Adam Drummond of Megginch¹²²²; James Brodie of that ilk; Sir William Denholm of Westshiels, 1st Bt.¹²²³; Robert Craig of Riccarton¹²²⁴; Sir Alexander Gilmour of Craigmillar, 1st Bt.¹²²⁵; and William Morrison of Prestongrange¹²²⁶ – and fourteen burgh commissioners – Sir James Ogilvie, Kt.¹²²⁷; Sir William Hamilton of Whitelaw; Sir John Hall of Dunglass; Sir Archibald Muir of Thornton, Kt.¹²²⁸; Alexander Spittal of Leuchat¹²²⁹; Alexander Cunningham of Collellan¹²³⁰; William Higgins¹²³¹; James Fletcher¹²³²; John Anderson of Dowhill; William Erskine of Torry¹²³³; Hugh Brown; John Muir¹²³⁴; John Murray of Bowhill¹²³⁵; and James Smith¹²³⁶ – sat on equivalent committees in both sessions.

The same pattern is evident between 1698 and the first session of 1700. Of the twenty-seven members of the committee for security of the kingdom, fifteen served on both occasions. Similarly, over half the committee for trade, and a third of the committee for controverted elections chosen in May 1700, had sat in the previous session. This group comprised thirteen noblemen, four shire and fifteen burgh commissioners – retaining thirty-two of a possible sixty-six seats. However, the most significant example of continuity occurred between the eighth and ninth sessions of Parliament in 1700. Of the twenty-seven who sat in the committee for security of the King-

¹²²¹ Lanarkshire.

¹²²² Perthshire.

¹²²³ Lanarkshire.

¹²²⁴ Edinburghshire.

¹²²⁵ Ibid.

¹²²⁶ Haddingtonshire.

¹²²⁷ Cullen.

¹²²⁸ Cupar.

¹²²⁹ Inverkeithing.

¹²³⁰ Irvine.

¹²³¹ Linlithgow.

¹²³² Dundee.

¹²³³ Culross.

¹²³⁴ Ayr.

¹²³⁵ Selkirk.

¹²³⁶ St. Andrews.

dom chosen on 5 November 1700, all but five had sat in the former session. Likewise of the twenty-one chosen for the committee of trade, sixteen were members of that previously elected, while just under half the committee for controverted elections had been employed in the same capacity earlier that year. In effect seventy-five percent of available places were reoccupied by their former holders – in this case sixteen noblemen – Argyll; Leven; Annandale; Carmichael; John Erskine, sixth earl of Mar; Loudoun; John Maitland fifth earl of Lauderdale; William Ker, third lord Jedburgh; Ruthven; John Keith, first earl of Kintore; Tarbat; Charles Gordon, second earl of Aboyne; William, thirteenth lord Forbes; Carnwath; John, second lord Bellenden; and Glencairn – fifteen lairds – Lamington; Grant; Brodie; Sir John Home of Blackadder, 2nd Bt.; William Bennet of Grubbet¹²³⁷; Sir Francis Scott of Thirlestane, 1st Bt.; Sir Thomas Burnet of Leys, 3rd Bt.¹²³⁸; Anstruther; Patrick Murray of Livingstone¹²³⁹; James Moir of Stoneywood¹²⁴⁰; James Scott of Logie¹²⁴¹; William Morrison of Prestongrange; William Hepburn of Beinstoun¹²⁴²; George Pringle of Torwoodlee; and Sir John Lauder of Fountainhall, 2nd Bt.¹²⁴³ – and fifteen of the burgh commissioners – Whitelaw; Sir Archibald Muir of Thornton; Smollet; Sir John Hamilton of Halcraig; Sir Hugh Dalrymple of North Berwick, 1st Bt.; Bowhill; Sir David Dalrymple of Hailes, 1st Bt.¹²⁴⁴; James Fletcher; Dowhill; Hugh Brown; John Muir; Alexander Cunningham of Collellan; Sir William Johnston of Sciennes, 2nd Bt.¹²⁴⁵; James Campbell of Burnbank and Boquhan¹²⁴⁶; and Sir Andrew Home of Kimmerghame, Kt.¹²⁴⁷.

¹²³⁷ Roxburghshire.

¹²³⁸ Kincardineshire.

¹²³⁹ Linlithgowshire.

¹²⁴⁰ Aberdeenshire.

¹²⁴¹ Forfarshire.

¹²⁴² Haddingtonshire.

¹²⁴³ Ibid.

¹²⁴⁴ Culross.

¹²⁴⁵ Annan.

¹²⁴⁶ Renfrew.

¹²⁴⁷ Kirkcudbright.

While this is perhaps explained by the fact that the last two sessions met in quick succession, the percentage is relatively constant with the sixty-five percent observed between 1693 – 1695 and forty-eight percent recorded from 1698 – 1700. Comparison with the previous list of those who sat on equivalent committees between 1693 – 95 and in the eighth and ninth sessions of 1700 tends to support this. Across both samples, sixty-three individuals appear in total – twenty-two noblemen, twenty shire, and twenty-one burgh commissioners – representing twenty-two noble titles, fourteen shires, and nineteen burghs. Taking these as a representative cross-section, there appears little evidence of any significant geographic trend, the only notable feature being a bias towards the more populous east coast. However, of the sixty-three, fifteen – three noblemen, four shire, and eight burgh commissioners – appear in both lists. Thirteen of this group sat in the Convention – three noblemen, three lairds, and seven burgh commissioners – while eleven had served in at least one of the five principal committees then elected. Likewise to extend this to include all sixty-three originally polled, thirty-six – fourteen noblemen, eight lairds, and fourteen burgh commissioners – sat in the Convention, nineteen of whom also sat in committee. In practise, approximately sixty percent of those who represented an almost continuous presence in committee for much of the period 1693 – 1700, were members of the Convention of Estates – just over half being part of a committee. In this respect, there seems little reason to doubt that throughout the Convention Parliament continuity with regards the membership of committee was considerable, often in excess of fifty percent from one session to the next – in theory comparable to a single standing committee.

However, although membership of these committees was characteristic of the articles – albeit chosen in a different form – for committee government to be considered the

articles' successor, then notionally they should have been no more than an extension of government. This is crucial to Rait's interpretation, drawing heavily on evidence from 1698 – 1700. He considers a number of examples, illustrating court manipulation of the committee elections. For instance, on 21 July 1698, James Ogilvie, first viscount of Seafield – president of Parliament – wrote '...with the greatest pains, toil, and fatigue in the world, we have carried the committees, so as neither among the noblemen, barones, nor burrows, is ther on elected bot those that were in our concerted list...' ¹²⁴⁸ Likewise, he made a similar observation in November 1700, in the ninth session, considering that the court had '...carried the committee; that is we have carried the nobility and commissioners for boroughs: So that, as to any thing that is committed, we have two to one'. ¹²⁴⁹ However, court management was not restricted to a period of heightened party contest. For example, on 19 September 1696, John Hamilton, first earl of Ruglen wrote to his brother James, earl of Arran, informing him that '...The Commissioner [John Murray, first earl of Tullibardine] has found the friends of our family very usefull to him in all those matters, for it was they that carried all committies and did all the business, My Lord Whitelaw being the chief man that carried on all...It was strange that Commissary Dalrymple had not the interest to be upon any of the Committies of Parliament, by which you may see how little acceptable to the nation those people are, for the Commissar had not five votes for him in the whole Parliament...' ¹²⁵⁰ Clearly, Hamilton's interest had been of some consequence, carrying the committees for his brother-in-law, Tullibardine. Nonetheless, bearing in mind the several division lists detailing support for the court and country parties in the period 1698 – 1700, through comparison with the membership of the relevant committees, it is possible to provide a reasonably accurate assessment of court management.

¹²⁴⁸ *Carstares SP*, 397. For a discussion of the circumstances surrounding these elections see chapter 5.

¹²⁴⁹ *Ibid*, 672.

¹²⁵⁰ NAS GD 406/1/6280.

Taking the principal committees chosen in 1698, the government enjoyed a commanding majority in all three. For instance, eighteen of the twenty-seven individuals who sat on the committee for security of kingdom can be categorised as court supporters. Even so, this was not achieved without considerable effort and liberal patronage.¹²⁵¹ The fact that Seafeld – by his own admission – went to some length to secure a majority in the committees, suggests that government influence was not as overwhelming as Rait suggests.

This is largely borne out by the composition of committee in the ninth session of Parliament. James, fourth duke of Hamilton and his country party enjoyed considerable success in a number of regions – manipulating the strong patriotic feeling that resulted from the Darien debacle. Consequently, through 1699 – 1700 the opposition made substantial gains in Parliament. This is evident in the fact, that in May 1700, although the government maintained a majority, the committee for security of the kingdom included ten country members – Riccarton; Blackadder; Capt. William Bennet of Grubbet¹²⁵²; Thirlestane; Lamington; Leys; Grant; Brodie; Anstruther; and Whitelaw. Likewise they increased their share in the committees for trade and controverted elections to three – Sir John Houston of that ilk, 2nd Bt.¹²⁵³; Patrick Murray of Livingstone; and James Moir of Stoneywood – and six respectively – William Hepburn of Beinstoun; Sir James Scott of Gala, Kt.¹²⁵⁴; Torwoodlee; Thomas Sharp of Houston¹²⁵⁵; John Lyon¹²⁵⁶; and Robert Stewart of Tillicoutrie¹²⁵⁷ – with further represen-

¹²⁵¹ See chapters five and six. Both parties fiercely contested committee elections from 1698 – 1700 – the court apparently employing patronage to ensure success. Likewise, committee places were used to reward converts to the court in the seventh session of parliament.

¹²⁵² Roxburghshire.

¹²⁵³ Stirlingshire.

¹²⁵⁴ Roxburghshire.

¹²⁵⁵ Linlithgowshire.

¹²⁵⁶ Forfar.

¹²⁵⁷ Rothesay.

tation on both the committee for the address and the committee for revising the minutes of Parliament. From the opposition members detailed above, it is obvious that most came from areas within the country leaderships' sphere of influence. However, support was not proportional, most derived from the shire estate. This was also the situation that prevailed in November 1700. Considered against the comparative statistics, it is obvious that Seafield's former assessment was valid. The government again enjoyed a majority in all three of the principal committees. Despite the fact that the opposition maintained their presence on the committee for security of the kingdom, in total the court held thirty-seven committee places, the opposition nineteen, with the allegiance of the remaining seven uncertain. Still, although in the minority, the opposition had ready access to arguably the most important part of the legislative process. Taking this into account, it is possible to identify active opposition in committee. For example, on 30 November, in the committee for controverted elections, John Crawford of Kilbirnie – commissioner of Parliament for Ayrshire – produced two instruments '...against some of the electors of John Campbell of Shankstoun...' – a prospective candidate for the shire.¹²⁵⁸ On this occasion, the election was contested by a country candidate, John Brisbane of Bishoptoun, and, as one of the opposition members of the committee, it is not surprising that Kilbirnie should direct the protest against Shankstoun's election. In turn, his objection was challenged on the basis that he '...cannot sitt and vote as one of the commity, In regard the Instruments takine against some of the electors were takine by him, And that in caice the protest be found less he be lyable in the penalties [contained] in the act of Parliament...' ¹²⁵⁹ He replied that '...the forsaide protests were takine by him as preses of the barons at the said elec-

¹²⁵⁸ NAS PA 7/12/2/156/1.

¹²⁵⁹ Ibid.

tion and as to which he has noe personall [interest]...'¹²⁶⁰ In spite of this rather dubious defence, Kilbirnie had no realistic chance of success – a fact confirmed by the surviving sederunts. Nevertheless, his conduct is representative of active opposition participation, suggesting that no matter the extent of crown patronage and management, it was difficult to exclude representatives of a substantial, committed, rival organisation – particularly one who enjoyed an impressive majority in any one of the three estates.

Overall, the government possessed a significant committee majority in the period 1693 – 1700, though can this be likened to royal control previously exerted through the articles? From the traditional perspective the answer is almost certainly positive – the court were still predominant in committee and by association Parliament. Nonetheless, this authority was no longer a prerequisite, and as K. M. Brown has emphasised ‘...when the Lords of the Articles were finally abolished in 1690, ministers had to resort much more to persuasion and patronage to retain initiative in Parliament’.¹²⁶¹ However, the King remained the principal source of office and patronage in the kingdom – a fact that proved significant in the defeat of the club and country party. In this respect, it is little wonder that the government maintained an edge in Parliament, all but guaranteeing their majority in committee.

In conclusion what can be said about the committee structure prevalent throughout the Revolution era. Following the abolition of the articles the crown could no longer nominate the composition of the committee that effectively usurped legislative proceedings. Even so, from the outset, the King – familiar with the committee’s value as

¹²⁶⁰ Ibid.

¹²⁶¹ K. M. Brown, *Kingdom or Province? Scotland and the Regal Union, 1603 – 1715*, (1992), 18.

a practical tool of government – attempted to preserve it in amended form, prepared to allow each estate to elect their own members, the only stipulation being the inclusion of the officers of state. However, a single standing committee was far too reminiscent of the articles – in general considered indicative of Stewart misgovernment – to be acceptable to the bulk of the membership. In this respect, bearing in mind deliberation of the Revolution settlement was clearly influenced by the Covenanted constitution of 1640 – 1641, it was almost inevitable that the Convention Parliament should insist on the adoption of the former precedent of government through a series of committees.¹²⁶² Eventually, the court interest was forced to compromise, authorising the free election of any number of committees the estates should consider relevant, accepting a limited role for government ministers. Nevertheless, how ‘free’ were committee elections? During the reign, the government utilised considerable patronage in an apparently successful attempt to influence committee membership – commanding a majority from 1689 – 1700. Still, there were opportunities for an organised opposition to participate – although in this instance their role was negligible. Even so, from a procedural perspective, there seems little reason to believe that the post Revolution committee system was ever subject to the level – and certainly form – of royal control conventionally ascribed to the articles. Yet it is probable that external influence had some effect on the obvious continuity apparent in committee membership. The percentage of those actively participating in committee remained relatively constant from 1689 – 1700. On average thirty percent of the total sederunt sat on at least one committee – a figure consistent with the proportion of the 1685 Parliament chosen as members of the committee of the articles. In this group, regular consistency was a common characteristic, often exceeding fifty percent from one session to the next.

¹²⁶² See chapter seven.

However, does this indicate that together, the four ordinary committees standard for much of the period, formed executive branches of what was in effect a single standing committee? This is persuasive, taking into account the legislation first proposed to reform rather than abolish the articles. It is tempting to suggest that had this been accepted, the result would not have been dissimilar to the composite committee described above. Nevertheless, it was the survival of a single committee that proved abhorrent to the majority of Parliament – not the means of election or the committee's role in legislation, both of which the King was prepared to rectify from the beginning. The committee of the articles – even in an amended form – was untenable, largely because it was inseparably linked to the former regime and royal despotism. In this respect, although representative of considerable statistical continuity, for the political elite the committee structure introduced at the Revolution was far more than a departmentalised version of the articles. Reorganisation resulted in series of ordinary committees in which average regular attendance can be estimated at approximately sixty percent. Surviving evidence suggests that a proportion of this figure can be attributed to core members who provided an almost constant presence. From the evidence of their internal subcommittee organisation, and the considerable level of deliberation that occurred, it is clear that committees were essentially an active organ of government. In this respect, the committee proved an integral part of the Convention Parliament, performing an important role in the legislative process.

CONCLUSION

Parliament, Parties and Politics 1689 – 1702

From the beginning, it is clear that there is little to support the traditional notion of a faction led later seventeenth-century Parliament, dominated by the grasping regional elite, devoid of either religious or political considerations. The best part of the Scottish political community did depart for London following the Prince of Orange's invasion, leaving the kingdom largely ungoverned. However, this was for a more significant purpose than securing place and favour – although this also played a part. There is no known record of the Whitehall meetings, but it is evident that the landed elite, in conference with their émigré counterparts, determined the course of the Scottish Revolution. Discussion focused on the settlement of the crown and the means to secure a suitable Convention. Taking into account the recent unprecedented level of crown intervention in burgh government, it was resolved to temporarily extend the franchise to include all Protestant burgesses. Contributing to conflict, interim procedure resulted in an unparalleled level of participation and extensive burgh electoral contest. Only a fraction of these disputed elections were actually brought before the Convention, but the previously unused parliamentary commissions and John Hay, second earl of Tweeddale's correspondence, confirm the extent of this feature – which has been formerly overlooked. In most cases of recorded contest, one of the competing parties was representative of James VII's nominated magistrates. Despite the fact that it is possible to identify a certain number of these participants as Jacobite, in other examples it is difficult to establish the allegiance or motivation of King James's burgh officials. Nonetheless, it is evident that contemporaries – fiercely proud of the burghs' traditional rights and privileges – identified the main part of these candidates with the

intrusive policies of the former reign. In this respect, most successful burgh commissioners were representative of the Revolutioner interest, reflecting the opinion of the popular electorate.

Likewise, much the same can be said for the majority of shire members, a significant proportion drawn from the ranks of the disaffected – a shared experience of Stewart rule characteristic of both elected estates. Even so, the evidence suggests that a substantial number of shire elections were also contested. Not necessarily disputed by Jacobite candidates, the latter enjoyed marginally more success in the shires, securing several places in the south, east and central Scotland. This is comparable to the burgh return, although in that instance, Jacobites gained no seats in the borders, carrying a handful in the north. Nevertheless, the widespread electoral contest, active involvement of individuals representative of either the Jacobite or Revolutioner interest, and the extension of the burgh electorate – creating popular parties capable of challenging the nominated councils – contribute to a political process not dissimilar to that evident in England, where elections were fought on the lines established by the two party system. Admittedly, each interest was a broad, fluid coalition, comprising all colours of the religious and political spectrums – Episcopalian, Presbyterians, Catholics, the dispossessed, former exiles, loyalists, radical Scottish Whigs and conservative Tories. However, this is consistent with the numerous ideological subtleties that underlie English politics. It is not always possible to highlight the religious, dynastic or personal motivation of either elector or elected, but it is naïve to consider that the Scottish political elite went to the polls in 1689, unaware of the fundamental importance of their actions. In this respect the electorate proved less than reluctant Revolutionaries, for despite intimidation and incentives offered by both sides, the tenor of the greater

part of those returned to the Convention, accurately reflected the mood of a nation, increasingly alienated and antagonised by their unperceptive Catholic sovereign.

The role of the landed elite in managing local politics was an imperative part of the success of the Revolution. Formerly, the lack of knowledge concerning their participation in national affairs has been mistaken for total inactivity. From the roll of those successfully elected, it is obvious that in several shires and burghs, the chosen commissioner was a representative of a local noble or lairdly family. Similarly, the disproportionate success of Jacobite candidates in the central belt, can almost certainly be attributed to the regional influence of John Murray, first marquis of Atholl, Charles Erskine, fifth earl of Mar, and James Maule, fourth earl of Panmure. Traditional authority was an important factor in determining parliamentary representation, particularly in a number of impoverished burghs, which could not afford to maintain a commissioner to Parliament, and were keen to accept an offer from a local landed interest. From this perspective, there seems little ground to suggest that the increasing interaction of the shire and burgh estates, identified by J. R. Young from the 1640s, signalled the formation of a Scottish Commons. If anything, the peerage and shire community shared the more common interest, exercising power in a similar manner, differentiation simply a question of scale. The Revolution did not instigate social change, traditional hierarchy remaining largely intact – in essence, the influences that conditioned local politics much the same as they had been a century earlier.

However, this does not indicate that Scottish politics were in any way backward. Through 1689 – 1690, Sir James Montgomerie of Skelmorlie's club proved an effective parliamentary opposition. Organised and cohesive, its extra-parliamentary meet-

ings, pre-prepared discourses, effective leadership, electioneering and constitutional manifesto, initially routed the court. Nevertheless, this early success was largely dependant on the popular demand for the abolition of the committee of the articles and the adoption of a Presbyterian religious settlement. Once the government had consented to these, support for the opposition dwindled, forcing the leadership into Jacobite intrigues, ultimately sealing their fate. In comparison, the country party that emerged in the seventh session of Parliament, becoming a feature of Parliament till the Union, was a more enduring source of opposition. With its origins in the division that split the court interest in 1698, the country party – marshalled by James, fourth duke of Hamilton, John Murray, first earl of Tullibardine and John Hay, second marquis of Tweeddale – principally championed the cause of the company of Scotland. Playing the patriotic card, and drawing on the content of the Claim of Right, the opposition fought two electoral campaigns, organised interim meetings, encouraged popular support through two national addresses, utilised printed propaganda, and placed considerable emphasis on traditional local authority and regional intervention – the party strengthened by kinship. In addition to patronage – used in considerable quantities from 1689 – 1690 and in 1698 – 1702 – these procedures were also observed by the government, who adopted the country policy of direct participation in the localities in the latter part of the period, in an attempt to counteract the hugely popular national addresses. Taking this into consideration, it is possible to chart the evolution of party politics in Scotland – an attribute not formerly identified. The court and country parties who vied for supremacy in the final four years of the Convention Parliament were far more than disgruntled factions. More specific than the inclusive Jacobite and Revolutioner division evident in the initial period, their organisation strategies and procedure is comparable with the contemporary English party political system.

However, in legislative terms what did the Convention Parliament achieve? The Revolution settlement was undoubtedly influenced by events in England, but the Claim of Right was a unique document, owing more to Scotland's Covenanted past than the Declaration of Rights. Though a compromise, in theory, the Scottish instrument of government was a contractual agreement, imposing new limits on the monarchy. This is nowhere more apparent than in the abolition of the committee of the articles. The removal of the instrument perceived to have facilitated royal control of Parliament – although it was not William of Orange's intention to maintain the committee in its traditional form – illustrates the obvious demand for constitutional reform – redressing the balance in favour of Parliament. However, there is an obvious difference between theory and practice, and place and patronage secured a court majority in committee for the duration of the reign. Even so, in this respect, the Revolution settlement had important implications with regards parliamentary procedure and the means of crown management. The King could no longer rely on the simple acquiescence of Parliament and had to rely on more indirect means of control – patronage and the abilities of individual ministers a more important part of the parliamentary process.

To conclude does the record of the Scottish Revolution support P. W. J. Riley's assertion that ultimately the nation was '...well rid...' of its intractable Parliament.¹²⁶³ Neither unduly factious or unsophisticated, and possessed of an acceptable legislative record, the Convention Parliament coped well with the immediate political crisis and consequences of Revolution. Contrary to the traditional interpretation, the Scottish

¹²⁶³ Riley, *King William*, 162.

Revolution was not simply an adjunct of events in England. Research underscores several unique, formerly unidentified, attributes of the Scottish settlement. The original electoral procedure was an important development, effectively ensuring a Revolutioner majority in the Convention. For the most part, ignored by historians, the unprecedented level of participation and associated contest distinguish the general election of 1689. Similarly, the party structure that developed throughout the duration of the Parliament – previously misconstrued as factionalism – adds an element of vitality traditionally absent from Scottish parliamentary studies. The period saw the continued development of a political consciousness and renewed belief in the function and independence of the Scottish Parliament – evident in both the contractual settlement and evolving party procedure – within the boundaries of an established social structure. Taking this into consideration, from a parliamentary perspective there is no reason to believe that the ‘Glorious’ Revolution of English legend was not every bit as ‘Glorious’ in Scotland.

Appendix 1 – Noble Representation 1689 – 1702

Title	Convention 14 March 89	First Sess. 5 June 89	Second Sess. 15 April 89	Third Sess. 3 Sept. 90	Fourth Sess. 18 April 93	Fifth Sess. 9 May 95	Sixth Sess. 8 Sept. 96	Seventh Sess. 19 July 98	Eighth Sess. 21 May 00	Ninth Sess. 29 Oct. 00	1702 Sess. 9 June 02
Aboyne								Aboyne, Chas. Gordon, 2 nd earl	Aboyne, Chas. Gordon, 2 nd earl	Aboyne, Chas. Gordon, 2 nd earl	
Airlie	Airlie, James Ogilvie, 2 nd earl										
Annandale	Annandale, Wm. Johnstone, 2 nd earl	Annandale, Wm. Johnstone, 2 nd earl	Annandale, Wm. Johnstone, 2 nd earl		Annandale, Wm. Johnstone, 2 nd earl	Annandale, Wm. Johnstone, 2 nd earl		Annandale, Wm. Johnstone, 2 nd earl	Annandale, Wm. Johnstone, 2 nd earl	Annandale, Wm. Johnstone, 2 nd earl	Annandale, Wm. Johnstone, 1 st Mar.
Arbuthnott	Arbuthnott, Robt., 3 rd viscount	Arbuthnott, Robt., 3 rd viscount	Arbuthnott, Robt., 3 rd viscount		Arbuthnott, Robt., 3 rd viscount						
Argyll	Argyll, Arch. Campbell, 10 th earl	Argyll, Arch. Campbell, 10 th earl	Argyll, Arch. Campbell, 10 th earl	Argyll, Arch. Campbell, 10 th earl	Argyll, Arch. Campbell, 10 th earl	Argyll, Arch. Campbell, 10 th earl	Argyll, Arch. Campbell, 10 th earl	Argyll, Arch. Campbell, 10 th earl	Argyll, Arch. Campbell, 10 th earl	Argyll, Arch. Campbell, 10 th earl	Argyll, Arch. Campbell, 10 th earl
Atholl	Atholl, John Murray, 1 st Marquis		Atholl, John Murray, 1 st Marquis							Atholl, John Murray, 1 st Marquis	
Balcarres	Balcarres, Colin Lindsay, 3 rd earl		Balcarres, Colin Lindsay, 3 rd earl								
Balmerino	Balmerino, John Elphinstone, 3 rd lord										

Bargany	Bargany, John Hamilton, 2 nd lord	Bargany, John Hamilton, 2 nd lord	Bargany, John Hamilton, 2 nd lord		Bargany, John Hamilton, 2 nd lord	Bargany, Wm. Hamilton, 3 rd lord	Bargany, Wm. Hamilton, 3 rd lord	Bargany, Wm. Hamilton, 3 rd lord	Bargany, Wm. Hamilton, 3 rd lord	Bargany, Wm. Hamilton, 3 rd lord	
Belhaven	Belhaven, John Hamil- ton, 2 nd lord	Belhaven, John Hamil- ton, 2 nd lord	Belhaven, John Hamil- ton, 2 nd lord		Belhaven, John Hamil- ton, 2 nd lord	Belhaven, John Hamil- ton, 2 nd lord	Belhaven, John Hamil- ton, 2 nd lord	Belhaven, John Hamil- ton, 2 nd lord	Belhaven, John Hamil- ton, 2 nd lord	Belhaven, John Hamil- ton, 2 nd lord	Belhaven, John Hamil- ton, 2 nd lord
Bellenden	Bellenden, John, 2 nd lord						Bellenden, John, 2 nd lord	Bellenden, John, 2 nd lord	Bellenden, John, 2 nd lord	Bellenden, John, 2 nd lord	Bellenden, John, 2 nd lord
Blantyre	Blantyre, Alex. Stewart, 5 th lord	Blantyre, Alex. Stewart, 5 th lord	Blantyre, Alex. Stewart, 5 th lord		Blantyre, Alex. Stewart, 5 th lord	Blantyre, Alex. Stewart, 5 th lord	Blantyre, Alex. Stewart, 5 th lord	Blantyre, Alex. Stewart, 5 th lord	Blantyre, Alex. Stewart, 5 th lord	Blantyre, Alex. Stewart, 5 th lord	Blantyre, Alex. Stewart, 5 th lord
Boyle									Boyle, David, 1 st lord	Boyle, David, 1 st lord	Boyle, David, 1 st lord
Breadalbane			Breadalbane, John Camp- bell, 1 st earl		Breadalbane, John Camp- bell, 1 st earl	Breadalbane, John Camp- bell, 1 st earl				Breadalbane, John Camp- bell, 1 st earl	
Burleigh		Burleigh, Robt. Balfour, 4 th lord	Burleigh, Robt. Balfour, 4 th lord	Burleigh, Robt. Balfour, 4 th lord				Burleigh, Robt. Balfour, 4 th lord	Burleigh, Robt. Balfour, 4 th lord	Burleigh, Robt. Balfour, 4 th lord	Burleigh, Robt. Balfour, 4 th lord
Caithness											Caithness, John Sinclair, 8 th earl
Callendar	Callendar, Alex. Living- stone, 3 rd earl		Callendar, Alex. Living- stone, 3 rd earl								

Cardross	Cardross, Henry Er- skine, 3 rd lord	Cardross, Henry Er- skine, 3 rd lord	Cardross, Henry Er- skine, 3 rd lord		Cardross, Henry Er- skine, 3 rd lord	Cardross, David Erskine, 4 th lord		Buchan, David Erskine, 1 st earl	Buchan, David Erskine, 1 st earl	Buchan, David Erskine, 1 st earl	Buchan, David Erskine, 1 st earl
Carmichael	Carmichael, John, 2 nd lord	Carmichael, John, 2 nd lord	Carmichael, John, 2 nd lord	Carmichael, John, 2 nd lord	Carmichael, John, 2 nd lord	Carmichael, John, 2 nd lord	Carmichael, John, 2 nd lord	Carmichael, John, 2 nd lord	Carmichael, John, 2 nd lord	Carmichael, John, 2 nd lord	Hyndford, John, 1 st earl
Carnwath			Carnwath, John Dalzell, 5 th earl	Carnwath, John Dalzell, 5 th earl		Carnwath, John Dalzell, 5 th earl	Carnwath, John Dalzell, 5 th earl	Carnwath, John Dalzell, 5 th earl	Carnwath, John Dalzell, 5 th earl	Carnwath, John Dalzell, 5 th earl	
Cassillis	Cassillis, John Kennedy, 7 th earl	Cassillis, John Kennedy, 7 th earl	Cassillis, John Kennedy, 7 th earl		Cassillis, John Kennedy, 7 th earl	Cassillis, John Kennedy, 7 th earl			Cassillis, John Kennedy, 7 th earl	Cassillis, John Kennedy, 7 th earl	
Colville									Colville, Robt., 3 rd lord	Colville, Robt., 3 rd lord	Colville, Robt., 3 rd lord
Crawford	Crawford, Wm. Lindsay, 18 th earl	Crawford, Wm. Lindsay, 18 th earl	Crawford, Wm. Lindsay, 18 th earl	Crawford, Wm. Lindsay, 18 th earl	Crawford, Wm. Lindsay, 18 th earl	Crawford, Wm. Lindsay, 18 th earl	Crawford, Wm. Lindsay, 18 th earl	Crawford, John Lindsay, 19 th earl		Crawford, John Lindsay, 19 th earl	Crawford, John Lindsay, 19 th earl
Dalhousie										Dalhousie, Wm. Ramsay, 5 th earl	Dalhousie, Wm. Ramsay, 5 th earl
Douglas	Douglas, James, 2 nd marquis	Douglas, James, 2 nd marquis	Douglas, James, 2 nd marquis	Douglas, James, 2 nd marquis		Douglas, James, 2 nd marquis		Douglas, James, 2 nd marquis			
Duffus	Duffus, Jas. Sutherland, 2 nd lord		Duffus, Jas. Sutherland, 2 nd lord		Duffus, Jas. Sutherland, 2 nd lord				Duffus, Jas. Sutherland, 2 nd lord	Duffus, Jas. Sutherland, 2 nd lord	Duffus, Jas. Sutherland, 2 nd lord

Dunfermline	Dunfermline, James Seaton, 4 th earl										
Dundee	Dundee, John Graham, 1 st viscount										
Dundonald	Dundonald, John Coch- rane, 2 nd earl										
Dunkeld	Dunkeld, Jas. Galloway, 3 rd lord										
Dupplin								Dupplin, Thos. Hay, 1 st vis- count		Dupplin, Thos. Hay, 1 st vis- count	
Eglinton	Eglinton, Alx. Montgomerie, 8 th earl	Eglinton, Alx. Montgomerie, 8 th earl	Eglinton, Alx. Montgomerie, 8 th earl	Eglinton, Alx. Montgomerie, 8 th earl	Eglinton, Alx. Montgomerie, 8 th earl	Eglinton, Alx. Montgomerie, 8 th earl	Eglinton, Alx. Montgomerie, 8 th earl	Eglinton, Alx. Montgomerie, 8 th earl	Eglinton, Alx. Montgomerie, 8 th earl	Eglinton, Alx. Montgomerie, 8 th earl	Eglinton, Alx. Montgomerie, 8 th earl
Elibank								Elibank, Alex. Murray, 4 th lord	Elibank, Alex. Murray, 4 th lord	Elibank, Alex. Murray, 4 th lord	Elibank, Alex. Murray, 4 th lord
Elphinstone	Elphinstone, John, 8 th lord	Elphinstone, John, 8 th lord					Elphinstone, John, 8 th lord	Elphinstone, John, 8 th lord	Elphinstone, John, 8 th lord	Elphinstone, John, 8 th lord	Elphinstone, John, 8 th lord
Erroll	Erroll, John Hay, 12 th earl	Erroll, John Hay, 12 th earl			Erroll, John Hay, 12 th earl	Erroll, John Hay, 12 th earl		Erroll, John Hay, 12 th earl	Erroll, John Hay, 12 th earl		Erroll, John Hay, 12 th earl

Findlater						Findlater, James Ogilvie, 3 rd earl		Findlater, James Ogilvie, 3 rd earl	Findlater, James Ogilvie, 3 rd earl	Findlater, James Ogilvie, 3 rd earl	Findlater, James Ogilvie, 3 rd earl
Forbes								Forbes, Wm., 13 th lord	Forbes, Wm., 13 th lord	Forbes, Wm., 13 th lord	Forbes, Wm., 13 th lord
Forrester	Forrester, Wm., 4 th lord	Forrester, Wm., 4 th lord	Forrester, Wm., 4 th lord	Forrester, Wm., 4 th lord	Forrester, Wm., 4 th lord	Forrester, Wm., 4 th lord	Forrester, Wm., 4 th lord	Forrester, Wm., 4 th lord	Forrester, Wm., 4 th lord	Forrester, Wm., 4 th lord	Forrester, Wm., 4 th lord
Forfar	Forfar, Arch. Douglas, 1 st earl	Forfar, Arch. Douglas, 1 st earl	Forfar, Arch. Douglas, 1 st earl	Forfar, Arch. Douglas, 1 st earl	Forfar, Arch. Douglas, 1 st earl	Forfar, Arch. Douglas, 1 st earl	Forfar, Arch. Douglas, 1 st earl	Forfar, Arch. Douglas, 1 st earl		Forfar, Arch. Douglas, 1 st earl	
Fraser										Fraser, Charles, 4 th lord	Fraser, Charles, 4 th lord
Galloway						Galloway, Jas. Stewart, 5 th earl	Galloway, Jas. Stewart, 5 th earl	Galloway, Jas. Stewart, 5 th earl	Galloway, Jas. Stewart, 5 th earl	Galloway, Jas. Stewart, 5 th earl	Galloway, Jas. Stewart, 5 th earl
Glencairn	Glencairn, Jn. Cunningham, 10 th earl	Glencairn, Jn. Cunningham, 10 th earl	Glencairn, Jn. Cunningham, 10 th earl	Glencairn, Jn. Cunningham, 10 th earl	Glencairn, Jn. Cunningham, 10 th earl	Glencairn, Jn. Cunningham, 10 th earl	Glencairn, Jn. Cunningham, 10 th earl	Glencairn, Jn. Cunningham, 10 th earl	Glencairn, Jn. Cunningham, 10 th earl	Glencairn, Jn. Cunningham, 10 th earl	Glencairn, Jn. Cunningham, 10 th earl
Haddington											Haddington, Thos. Hamil- ton, 6 th earl
Hamilton	Hamilton, Wm. Douglas, 3 rd duke	Hamilton, Wm. Douglas, 3 rd duke	Hamilton, Wm. Douglas, 3 rd duke	Hamilton, Wm. Douglas, 3 rd duke	Hamilton, Wm. Douglas, 3 rd duke				Hamilton, James, 4 th duke	Hamilton, James, 4 th duke	Hamilton, James, 4 th duke

Home	Home, Charles, 6 th earl										
Jedburgh					Jedburgh, Wm. Ker, 3 rd lord	Jedburgh, Wm. Ker, 3 rd lord	Jedburgh, Wm. Ker, 3 rd lord	Jedburgh, Wm. Ker, 3 rd lord	Jedburgh, Wm. Ker, 3 rd lord	Jedburgh, Wm. Ker, 3 rd lord	Jedburgh, Wm. Ker, 3 rd lord
Kellie									Kellie, Alex., 4 th earl		Kellie, Alex., 4 th earl
Kenmure	Kenmure, Alex. Gordon, 5 th viscount	Kenmure, Alex. Gordon, 5 th viscount	Kenmure, Alex. Gordon, 5 th viscount		Kenmure, Alex. Gordon, 5 th viscount	Kenmure, Alex. Gordon, 5 th viscount	Kenmure, Alex. Gordon, 5 th viscount				
Kinnaird			Kinnaird, Patrick, 2 nd lord						Kinnaird, Patrick, 2 nd lord	Kinnaird, Patrick, 2 nd lord	Kinnaird, Patrick, 3 rd lord
Kincardine	Kincardine, Alex. Bruce, 3 rd earl		Kincardine, Alex. Bruce, 3 rd earl								
Kintore	Kintore, John Keith, 1 st earl	Kintore, John Keith, 1 st earl	Kintore, John Keith, 1 st earl		Kintore, John Keith, 1 st earl	Kintore, John Keith, 1 st earl	Kintore, John Keith, 1 st earl	Kintore, John Keith, 1 st earl	Kintore, John Keith, 1 st earl	Kintore, John Keith, 1 st earl	Kintore, John Keith, 1 st earl
Lauderdale	Lauderdale, Chas. Mait- land, 3 rd earl						Lauderdale, John Maitland, 5 th earl	Lauderdale, John Maitland, 5 th earl	Lauderdale, John Maitland, 5 th earl	Lauderdale, John Maitland, 5 th earl	Lauderdale, John Maitland, 5 th earl
Leven	Leven, David Melville, 3 rd earl	Leven, David Melville, 3 rd earl	Leven, David Melville, 3 rd earl	Leven, David Melville, 3 rd earl	Leven, David Melville, 3 rd earl	Leven, David Melville, 3 rd earl	Leven, David Melville, 3 rd earl	Leven, David Melville, 3 rd earl	Leven, David Melville, 3 rd earl	Leven, David Melville, 3 rd earl	Leven, David Melville, 3 rd earl

Lindores	Lindores, John Leslie, 4 th lord	Lindores, John Leslie, 4 th lord							Lindores, John Leslie, 4 th lord	Lindores, John Leslie, 4 th lord	Lindores, John Leslie, 4 th lord
Linlithgow	Linlithgow, John Living- stone, 3 rd earl		Linlithgow, Geo. Living- stone, 4 th earl		Linlithgow, Geo. Living- stone, 4 th earl	Linlithgow, Geo. Living- stone, 4 th earl					
Lothian	Lothian, Robt. Ker, 4 th earl	Lothian, Robt. Ker, 4 th earl	Lothian, Robt. Ker, 4 th earl	Lothian, Robt. Ker, 4 th earl	Lothian, Robt. Ker, 4 th earl	Lothian, Robt. Ker, 4 th earl	Lothian, Robt. Ker, 4 th earl	Lothian, Robt. Ker, 4 th earl		Lothian, Robt. Ker, 4 th earl	Lothian, Robt. Ker, 4 th earl
Loudoun							Loudoun, Hugh Camp- bell, 3 rd earl	Loudoun, Hugh Camp- bell, 3 rd earl	Loudoun, Hugh Camp- bell, 3 rd earl	Loudoun, Hugh Camp- bell, 3 rd earl	Loudoun, Hugh Camp- bell, 3 rd earl
Lovat	Lovat, Hugh Fraser, 9 th lord	Lovat, Hugh Fraser, 9 th lord	Lovat, Hugh Fraser, 9 th lord			Lovat, Hugh Fraser, 9 th lord					
Mar	Mar, Charles, Erskine, 5 th earl						Mar, John Erskine, 6 th earl	Mar, John Erskine, 6 th earl	Mar, John Erskine, 6 th earl	Mar, John Erskine, 6 th earl	Mar, John Erskine, 6 th earl
March								March, Wm. Douglas, 1 st earl	March, Wm. Douglas, 1 st earl	March, Wm. Douglas, 1 st earl	March, Wm. Douglas, 1 st earl
Marischal	Marischal, Geo. Keith, 8 th earl							Marischal, Wm. Keith, 9 th earl	Marischal, Wm. Keith, 9 th earl	Marischal, Wm. Keith, 9 th earl	Marischal, Wm. Keith, 9 th earl
Melville	Melville, Geo., 4 th lord		Melville, Geo., 1 st earl	Melville, Geo., 1 st earl	Melville, Geo., 1 st earl	Melville, Geo., 1 st earl	Melville, Geo., 1 st earl	Melville, Geo., 1 st earl	Melville, Geo., 1 st earl	Melville, Geo., 1 st earl	Melville, Geo., 1 st earl

Menteith					Menteith, Wm. Graham, 2 nd earl						
Morton	Morton, James Douglas, 10 th earl	Morton, James Douglas, 10 th earl	Morton, James Douglas, 10 th earl	Morton, James Douglas, 10 th earl	Morton, James Douglas, 10 th earl	Morton, James Douglas, 10 th earl	Morton, James Douglas, 10 th earl	Morton, James Douglas, 10 th earl	Morton, James Douglas, 10 th earl	Morton, James Douglas, 10 th earl	Morton, James Douglas, 10 th earl
Nairn				Nairn							
Newark	Newark, David Leslie, 2 nd lord	Newark, David Leslie, 2 nd lord	Newark, David Leslie, 2 nd lord	Newark, David Leslie, 2 nd lord							
Northesk								Northesk, David Carne- gie, 4 th earl	Northesk, David Carne- gie, 4 th earl	Northesk, David Carne- gie, 4 th earl	Northesk, David Carne- gie, 4 th earl
Oxfuird	Oxfuird, Robt. Makgill, 2 nd viscount										
Panmure	Panmure, James Maule, 4 th earl										
Pitsligo									Pitsligo, Alex. Forbes, 4 th lord	Pitsligo, Alex. Forbes, 4 th lord	Pitsligo, Alex. Forbes, 4 th lord
Polwarth					Polwarth, Patrick Home, 1 st lord	Polwarth, Patrick Home, 1 st lord	Polwarth, Patrick Home, 1 st lord	Marchmont, Pat. Home, 1 st earl	Marchmont, Pat. Home, 1 st earl	Marchmont, Pat. Home, 1 st earl	Marchmont, Pat. Home, 1 st earl

Portmore										Portmore, David Co- lyear, 1 st lord	
Queensberry	Queensberry, Wm. Douglas, 1 st duke		Queensberry, Wm. Douglas, 1 st duke		Queensberry, Wm. Douglas, 1 st duke	Queensberry, Jas. Douglas, 2 nd duke	Queensberry, Jas. Douglas, 2 nd duke	Queensberry, Jas. Douglas, 2 nd duke	Queensberry, Jas. Douglas, 2 nd duke	Queensberry, Jas. Douglas, 2 nd duke	Queensberry, Jas. Douglas, 2 nd duke
Reay										Reay, George Mackay, 3 rd lord	Reay, George Mackay, 3 rd lord
Rollo	Rollo, An- drew, 3 rd lord	Rollo, An- drew, 3 rd lord	Rollo, An- drew, 3 rd lord		Rollo, An- drew, 3 rd lord	Rollo, An- drew, 3 rd lord	Rollo, An- drew, 3 rd lord	Rollo, An- drew, 3 rd lord		Rollo, An- drew, 3 rd lord	Rollo, Robt. 4 th lord
Rosebery										Rosebery, Arch. Prim- rose, 1 st vis.	Rosebery, Arch. Prim- rose, 1 st vis.
Ross	Ross, Wm., 12 th lord	Ross, Wm., 12 th lord	Ross, Wm., 12 th lord		Ross, Wm., 12 th lord	Ross, Wm., 12 th lord	Ross, Wm., 12 th lord	Ross, Wm., 12 th lord	Ross, Wm., 12 th lord	Ross, Wm., 12 th lord	Ross, Wm., 12 th lord
Roths										Roths, John Leslie, 8 th earl	Roths, John Leslie, 8 th earl
Ruglen								Ruglen, John Hamilton, 1 st earl	Ruglen, John Hamilton, 1 st earl	Ruglen, John Hamilton, 1 st earl	Ruglen, John Hamilton, 1 st earl
Rutherford	Rutherford, Robt., 4 th lord		Rutherford, Robt., 4 th lord		Rutherford, Robt., 4 th lord		Rutherford, Robt., 4 th lord	Rutherford, Robt., 4 th lord			

Ruthven	Ruthven, David, 2 nd lord	Ruthven, David, 2 nd lord	Ruthven, David, 2 nd lord	Ruthven, David, 2 nd lord	Ruthven, David, 2 nd lord	Ruthven, David, 2 nd lord	Ruthven, David, 2 nd lord	Ruthven, David, 2 nd lord	Ruthven, David, 2 nd lord	Ruthven, David, 2 nd lord	
Saltoun						Saltoun, Wm. Fraser, 2 nd lord	Saltoun, Wm. Fraser, 2 nd lord	Saltoun, Wm. Fraser, 2 nd lord	Saltoun, Wm. Fraser, 2 nd lord	Saltoun, Wm. Fraser, 2 nd lord	Saltoun, Wm. Fraser, 2 nd lord
Seafield								Seafield, Jas. Ogilvie, 1 st viscount	Seafield, Jas. Ogilvie, 1 st viscount	Seafield, Jas. Ogilvie, 1 st viscount	Seafield, Jas. Ogilvie, 1 st earl
Selkirk	Selkirk, Chas. Douglas, 2 nd earl				Selkirk, Chas. Douglas, 2 nd earl						
Sinclair	Sinclair, Henry, 10 th lord										
Southesk			Southesk, Chas. Carne- gie, 4 th earl								
Stair			Stair, Jas. Dalrymple, 1 st viscount	Stair, Jas. Dalrymple, 1 st viscount	Stair, Jas. Dalrymple, 1 st viscount				Stair, John Dalrymple, 2 nd viscount	Stair, John Dalrymple, 2 nd viscount	Stair, John Dalrymple, 2 nd viscount
Stormont	Stormont, David Murray, 5 th viscount										
Strathallan									Strathallan, Wm. Drum- mond, 2 nd vis.	Strathallan, Wm. Drum- mond, 2 nd vis.	Strathallan, Wm. Drum- mond, 2 nd vis.

Strathmore			Strathmore, John Lyon, 4 th earl		Strathmore, John Lyon, 4 th earl		Strathmore, John Lyon, 4 th earl	Strathmore, John Lyon, 4 th earl	Strathmore, John Lyon, 4 th earl	Strathmore, John Lyon, 4 th earl	Strathmore, John Lyon, 4 th earl
Sutherland	Sutherland, Geo., 14 th earl	Sutherland, Geo., 14 th earl	Sutherland, Geo., 14 th earl	Sutherland, Geo., 14 th earl	Sutherland, Geo., 14 th earl	Sutherland, Geo., 14 th earl		Sutherland, Geo., 14 th earl		Sutherland, Geo., 14 th earl	
Tarbat	Tarbat, Geo. Mackenzie, 1 st viscount	Tarbat, Geo. Mackenzie, 1 st viscount	Tarbat, Geo. Mackenzie, 1 st viscount		Tarbat, Geo. Mackenzie, 1 st viscount	Tarbat, Geo. Mackenzie, 1 st viscount		Tarbat, Geo. Mackenzie, 1 st viscount	Tarbat, Geo. Mackenzie, 1 st viscount	Tarbat, Geo. Mackenzie, 1 st viscount	Tarbat, Geo. Mackenzie, 1 st viscount
Tarras	Tarras, Walter Scott, 1 st ear	Tarras, Walter Scott, 1 st ear	Tarras, Walter Scott, 1 st ear								
Teviot								Teviot, Thos. Livingstone, 1 st viscount			
Torphichen	Torphichen, Walter Sandi- lands, 6 th lord	Torphichen, Walter Sandi- lands, 6 th lord	Torphichen, Walter Sandi- lands, 6 th lord	Torphichen, Walter Sandi- lands, 6 th lord	Torphichen, Walter Sandi- lands, 6 th lord	Torphichen, Walter Sandi- lands, 6 th lord					
Tullibardine							Tullibardine, John Murray, 1 st earl	Tullibardine, John Murray, 1 st earl	Tullibardine, John Murray, 1 st earl	Tullibardine, John Murray, 1 st earl	Tullibardine, John Murray, 1 st earl
Tweeddale	Tweeddale, John Hay, 2 nd earl				Tweeddale, John Hay, 2 nd earl	Tweeddale, John Hay, 1 st marquis		Tweeddale, John Hay, 2 nd marquis	Tweeddale, John Hay, 2 nd marquis	Tweeddale, John Hay, 2 nd marquis	Tweeddale, John Hay, 2 nd marquis

Appendix 2 – Officers of State 1689 – 1702

Office	Convention 14 March 89	First Sess. 5 June 89	Second Sess. 15 April 89	Third Sess. 3 Sept. 90	Fourth Sess. 18 April 93	Fifth Sess. 9 May 95	Sixth Sess. 8 Sept. 96	Seventh Sess. 19 July 98	Eighth Sess. 21 May 00	Ninth Sess. 29 Oct. 00	1702 Sess. 9 June 02
Advocate		Dalrymple of Stair, Sir John, Kt.	Dalrymple of Stair, Sir John, Kt.	Dalrymple of Stair, Sir John, Kt.	Stewart of Goodtrees, Sir James, Kt.	Stewart of Goodtrees, Sir James, Kt.	Stewart of Goodtrees, Sir James, Kt.	Stewart of Goodtrees, Sir James, Kt.	Stewart of Goodtrees, Sir James, Kt.	Stewart of Goodtrees, Sir James, Kt.	Stewart of Goodtrees, Sir James, Kt.
Chancellor					Tweeddale, John Hay, 2 nd earl	Tweeddale, John Hay, 1 st marquis	Polwarth, Patrick Home, 1 st lord	Marchmont, Patrick Home, 1 st earl	Marchmont, Patrick Home, 1 st earl	Marchmont, Patrick Home, 1 st earl	Marchmont, Patrick Home, 1 st earl
Clerk Register			Burleigh, Robt. Balfour, master	Burleigh, Robt. Balfour, master	Tarbat, Geo. Mackenzie, 1 st viscount	Tarbat, Geo. Mackenzie, 1 st viscount					Selkirk, Chas. Douglas, 2 nd earl
Justice Clerk			Campbell of Cessnock, Sir George	Campbell of Cessnock, Sir George	Cockburn of Ormiston, Adam	Cockburn of Ormiston, Adam	Cockburn of Ormiston, Adam	Cockburn of Ormiston, Adam	Maxwell of Pollok, Sir John, 1 st Bt.	Maxwell of Pollok, Sir John, 1 st Bt.	Maxwell of Pollok, Sir John, 1 st Bt.
President of Privy Council		Hamilton, Wm. Douglas, 3 rd duke	Hamilton, Wm. Douglas, 3 rd duke	Hamilton, Wm. Douglas, 3 rd duke	Hamilton, Wm. Douglas, 3 rd duke		Melville, Geo., 1 st earl	Melville, Geo., 1 st earl	Melville, Geo., 1 st earl	Melville, Geo., 1 st earl	Melville, Geo., 1 st earl
Privy Seal					Melville, Geo., 1 st Earl	Melville, Geo., 1 st Earl	Queensberry, Jas. Douglas, 2 nd duke	Queensberry, Jas. Douglas, 2 nd duke	Queensberry, Jas. Douglas, 2 nd duke	Queensberry, Jas. Douglas, 2 nd duke	Queensberry, Jas. Douglas, 2 nd duke
Secretary			Melville, Geo., 1 st Earl	Melville, Geo., 1 st Earl	Johnston, James	Johnston, James	Tullibardine, John Murray, 1 st earl		Carmichael, John, 2 nd lord	Carmichael, John, 2 nd lord	Carmichael, John, 2 nd lord
Secretary					Dalrymple of Stair, Sir John, Kt.	Dalrymple of Stair, Sir John, Kt.	Ogilvie, Sir James, Kt.	Seafeld, Jas. Ogilvie, 1 st viscount	Seafeld, Jas. Ogilvie, 1 st viscount	Seafeld, Jas. Ogilvie, 1 st viscount	Seafeld, Jas. Ogilvie, 1 st viscount

Treasurer					Drumlanrig, Jas. Douglas, earl	Yester, John Hay, lord		Polwarth, Patrick Home, lord	Montgomerie, Alexander, lord	Montgomerie, Alexander, lord	Montgomerie, Alexander, lord
Treasurer Depute			Raith, Alex- ander Mel- ville, lord	Raith, Alex- ander Mel- ville, lord	Raith, Alex- ander Mel- ville, lord	Raith, Alex- ander Mel- ville, lord	Raith, Alex- ander Mel- ville, lord		Cockburn of Ormiston, Adam	Cockburn of Ormiston, Adam	Cockburn of Ormiston, Adam

Appendix 3 – Shire Representation 1689 – 1702

Burgh	Convention 14 March 89	First Sess. 5 June 89	Second Sess. 15 April 89	Third Sess. 3 Sept. 90	Fourth Sess. 18 April 93	Fifth Sess. 9 May 95	Sixth Sess. 8 Sept. 96	Seventh Sess. 19 July 98	Eighth Sess. 21 May 00	Ninth Sess. 29 Oct. 00	1702 Sess. 9 June 02
Aberdeen	Forbes of Craigievar, Sir John, 2 nd Bt.	Forbes of Craigievar, Sir John, 2 nd Bt.	Forbes of Craigievar, Sir John, 2 nd Bt.		Forbes of Craigievar, Sir John, 2 nd Bt.	Forbes of Craigievar, Sir John, 2 nd Bt.		Forbes of Craigievar, Sir John, 2 nd Bt.	Forbes of Craigievar, Sir John, 2 nd Bt.	Forbes of Craigievar, Sir John, 2 nd Bt.	
Aberdeen	Moir of Ston- eywood, James	Moir of Ston- eywood, James	Moir of Ston- eywood, James		Moir of Ston- eywood, James		Moir of Ston- eywood, James	Moir of Ston- eywood, James	Moir of Ston- eywood, James	Moir of Ston- eywood, James	
Aberdeen					Elphingstone of Logie, Mr. James	Elphingstone of Logie, Mr. James	Elphingstone of Logie, Mr. James	Elphingstone of Logie, Mr. James	Elphingstone of Logie, Mr. James	Elphingstone of Logie, Mr. James	Elphingstone of Logie, Sir James, 1 st Bt.
Aberdeen					Forbes of Foveran, Samuel			Forbes of Foveran, Samuel	Forbes of Foveran, Samuel	Forbes of Foveran, Sir Samuel, 1 st Bt.	Forbes of Foveran, Sir Samuel, 1 st Bt.
Argyll	Campbell of Auchinbreck, Sir Dun., 4 Bt.		Campbell of Auchinbreck, Sir Dun., 4 Bt.	Campbell of Auchinbreck, Sir Dun., 4 Bt.				Campbell of Auchinbreck, Sir Dun., 4 Bt.		Campbell of Mamore, Mr. John	Campbell of Mamore, Mr. John
Argyll	Campbell of Carrick, John	Campbell of Carrick, John	Campbell of Carrick, John		Campbell of Carrick, John	Campbell of Carrick, Sir John, Kt.	Campbell of Carrick, Sir John, Kt.	Campbell of Carrick, Sir John, Kt.	Campbell of Carrick, Sir John, Kt.	Campbell of Carrick, Sir John, Kt.	Campbell of Carrick, Sir John, Kt.
Argyll					Campbell of Ardkinglas, Sir Colin 1 Bt.	Campbell of Ardkinglas, Sir Colin 1 Bt.	Campbell of Ardkinglas, Sir Colin 1 Bt.	Campbell of Ardkinglas, Sir Colin 1 Bt.	Campbell of Ardkinglas, Sir Colin 1 Bt.	Campbell of Ardkinglas, Sir Colin 1 Bt.	Campbell of Ardkinglas, Sir Colin 1 Bt.
Ayr	Blair of that Ilk, William		Montgomerie of Giffen, Mr. Francis	Montgomerie of Giffen, Mr. Francis	Montgomerie of Giffen, Mr. Francis	Montgomerie of Giffen, Mr. Francis	Montgomerie of Giffen, Mr. Francis	Montgomerie of Giffen, Mr. Francis	Montgomerie of Giffen, Mr. Francis	Montgomerie of Giffen, Mr. Francis	Montgomerie of Giffen, Mr. Francis

Ayr	Montgomerie of Skelmorlie, Sir Jas., 4 th Bt.	Montgomerie of Skelmorlie, Sir Jas., 4 th Bt.	Montgomerie of Skelmorlie, Sir Jas., 4 th Bt.		Crawford of Kilbirnie, John	Crawford of Kilbirnie, John	Crawford of Kilbirnie, John	Crawford of Kilbirnie, John	Crawford of Kilbirnie, John	Crawford of Kilbirnie, John	Crawford of Kilbirnie, John
Ayr				Buntine of Kilbride, Major Hugh	Buntine of Kilbride, Major Hugh			Buntine of Kilbride, Major Hugh	Buntine of Kilbride, Major Hugh	Buntine of Kilbride, Major Hugh	
Ayr				Muir of Rowallan, William	Muir of Rowallan, William	Muir of Rowallan, William	Muir of Rowallan, William	Muir of Rowallan, William		Campbell of Shankstoun, Mr. John	Campbell of Shankstoun, Mr. John
Banff	Duff of Braco, Alexander	Duff of Braco, Alexander	Duff of Braco, Alexander		Duff of Braco, Alexander	Duff of Braco, Alexander	Duff of Braco, Alexander	Duff of Braco, Alexander	Duff of Braco, Alexander	Duff of Braco, Alexander	Duff of Braco, Alexander
Banff	Ogilvie of Boyne, Sir Patrick, Kt.		Ogilvie of Boyne, Sir Patrick, Kt.		Abercromby of Birkenbog, Sir Jas., 2 Bt.	Abercromby of Birkenbog, Sir Jas., 2 Bt.	Abercromby of Birkenbog, Sir Jas., 2 Bt.	Abercromby of Birkenbog, Sir Jas., 2 Bt.	Abercromby of Birkenbog, Sir Jas., 2 Bt.	Abercromby of Birkenbog, Sir Jas., 2 Bt.	Abercromby of Birkenbog, Sir Jas., 2 Bt.
Berwick	Cockburn of Langton, Sir Arch., 2 nd Bt.	Cockburn of Langton, Sir Arch., 2 nd Bt.	Cockburn of Langton, Sir Arch., 2 nd Bt.	Cockburn of Langton, Sir Arch., 2 nd Bt.	Cockburn of Langton, Sir Arch., 2 nd Bt.	Cockburn of Langton, Sir Arch., 2 nd Bt.	Cockburn of Langton, Sir Arch., 2 nd Bt.	Cockburn of Langton, Sir Arch., 2 nd Bt.			
Berwick	Home of Pol- warth, Sir Patrick, 2 nd Bt.	Home of Pol- warth, Sir Patrick, 2 nd Bt.	Home of Pol- warth, Sir Patrick, 2 nd Bt.	Home of Pol- warth, Sir Patrick, 2 nd Bt.	Baillie of Jerviswood, George	Baillie of Jerviswood, George	Baillie of Jerviswood, George		Baillie of Jerviswood, George	Baillie of Jerviswood, George	Baillie of Jerviswood, George
Berwick				Home of Blackadder, Sir John, 2 Bt.	Home of Blackadder, Sir John, 2 Bt.	Home of Blackadder, Sir John, 2 Bt.	Home of Blackadder, Sir John, 2 Bt.	Home of Blackadder, Sir John, 2 Bt.	Home of Blackadder, Sir John, 2 Bt.	Home of Blackadder, Sir John, 2 Bt.	Home of Blackadder, Sir John, 2 Bt.
Berwick				Swinton of that Ilk, John	Swinton of that Ilk, John	Swinton of that Ilk, John	Swinton of that Ilk, Sir John, Kt.	Swinton of that Ilk, Sir John, Kt.	Swinton of that Ilk, Sir John, Kt.	Swinton of that Ilk, Sir John, Kt.	Swinton of that Ilk, Sir John, Kt.

Bute	Boyle of Kelburn, David	Boyle of Kelburn, David	Boyle of Kelburn, David		Boyle of Kelburn, David	Boyle of Kelburn, David	Boyle of Kelburn, David	Boyle of Kelburn, David			
Bute	Stewart of Ardmaleish Sir Jas., 1 st Bt.				Stewart of Ambrismore, Mr. William	Stewart of Ambrismore, Mr. William		Stewart of Ambrismore, Mr. William	Stewart of Ambrismore, Mr. William	Stewart of Ambrismore, Mr. William	Stewart of Ambrismore, Mr. William
Caithness					Manson of Brigend, Alexander	Murray of Pennyland, Mr. Patrick	Murray of Pennyland, Mr. Patrick	Murray of Pennyland, Mr. Patrick	Murray of Pennyland, Mr. Patrick	Murray of Pennyland, Mr. Patrick	
Clackmannan	Bruce of Clackmannan, David		Bruce of Clackmannan, David						Erskine of Alva, Sir John, 3 rd Bt.	Erskine of Alva, Sir John, 3 rd Bt.	Erskine of Alva, Sir John, 3 rd Bt.
Cromarty					MacKenzie of Cromarty, Mr. Kenneth	MacKenzie of Cromarty, Mr. Kenneth		MacKenzie of Cromarty, Mr. Kenneth		MacKenzie of Cromarty, Mr. Kenneth	MacKenzie of Cromarty, Mr. Kenneth
Cromarty					Urquhart of Craighouse, John					MacKenzie of Prestonhall, Mr. Roderick	MacKenzie of Prestonhall, Mr. Roderick
Dumfries	Dalzell of Glenae, Sir John, 2 nd Bt.		Johnsone of Corhead, James		Johnstone of Elschieshields, Alexander	Johnstone of Elschieshields, Alexander	Johnstone of Elschieshields, Alexander	Johnstone of Elschieshields, Alexander	Johnstone of Elschieshields, Alexander	Johnstone of Elschieshields, Alexander	
Dumfries	Johnstone of Westerhall, Sir James, Kt.	Johnstone of Westerhall, Sir James, Kt.	Johnstone of Westerhall, Sir James, Kt.	Johnstone of Westerhall, Sir James, Kt.	Johnstone of Westerhall, Sir James, Kt.	Johnstone of Westerhall, Sir James, Kt.			Johnstone of Westerhall, Sir John, 1 st Bt.	Johnstone of Westerhall, Sir John, 1 st Bt.	Johnstone of Westerhall, Sir John, 1 st Bt.
Dumfries					Crichton of Crawfordston, William	Crichton of Crawfordston, William	Crichton of Crawfordston, William	Crichton of Crawfordston, William	Crichton of Crawfordston, William	Crichton of Crawfordston, William	Sharp of Hod-dam, John

Dumfries					Kirkpatrick of Closeburn, Sir Thos., 1 st Bt.			Kirkpatrick of Closeburn, Sir Thos., 1 st Bt.	Kirkpatrick of Closeburn, Sir Thos., 1 st Bt.	Kirkpatrick of Closeburn, Sir Thos., 1 st Bt.	Kirkpatrick of Closeburn, Sir Thos., 1 st Bt.
Dumbarton	Colquhoun of Craigtoun, William	Colquhoun of Craigtoun, William	Colquhoun of Craigtoun, William		Colquhoun of Craigtoun, William					Haldane of Gleneagles, John	Haldane of Gleneagles, John
Dumbarton	Hamilton of Barns, Claud	Hamilton of Barns, Claud	Hamilton of Barns, Claud		Hamilton of Barns, Claud	Hamilton of Barns, Claud	Hamilton of Barns, Claud	Hamilton of Barns, Claud	Hamilton of Barns, Claud	Hamilton of Barns, Claud	Hamilton of Barns, Claud
Edinburgh	Foulis of Colinton, Sir James, 3 rd Bt.				Craig of Ric- carton, Robert	Craig of Ric- carton, Robert			Craig of Ric- carton, Robert	Craig of Ric- carton, Robert	
Edinburgh	Maitland of Ravelrig, Sir John, 1 st Bt.	Maitland of Ravelrig, Sir John, 1 st Bt.	Maitland of Ravelrig, Sir John, 1 st Bt.	Maitland of Ravelrig, Sir John, 1 st Bt.	Maitland of Ravelrig, Sir John, 1 st Bt.	Maitland of Ravelrig, Sir John, 1 st Bt.	Primrose of Dalmeny, Archibald	Primrose of Dalmeny, Archibald	Primrose of Dalmeny, Archibald	Dundas of Arniston, Sir Robert, Kt.	Dundas of Arniston, Sir Robert, Kt.
Edinburgh				Clerk of Peni- cuik, Sir John, 1 st Bt.	Clerk of Peni- cuik, Sir John, 1 st Bt.	Clerk of Peni- cuik, Sir John, 1 st Bt.	Clerk of Peni- cuik, Sir John, 1 st Bt.	Clerk of Peni- cuik, Sir John, 1 st Bt.	Clerk of Peni- cuik, Sir John, 1 st Bt.	Clerk of Peni- cuik, Sir John, 1 st Bt.	Clerk of Peni- cuik, Sir John, 1 st Bt.
Edinburgh				Gilmour of Craigmillar, Sir Alx., 1 Bt.	Gilmour of Craigmillar, Sir Alx., 1 Bt.	Gilmour of Craigmillar, Sir Alx., 1 Bt.	Gilmour of Craigmillar, Sir Alx., 1 Bt.	Gilmour of Craigmillar, Sir Alx., 1 Bt.	Gilmour of Craigmillar, Sir Alx., 1 Bt.	Gilmour of Craigmillar, Sir Alx., 1 Bt.	Gilmour of Craigmillar, Sir Alx., 1 Bt.
Elgin & Forres	Brodie of that Ilk, James	Brodie of that Ilk, James	Brodie of that Ilk, James		Brodie of that Ilk, James	Brodie of that Ilk, James	Brodie of that Ilk, James	Brodie of that Ilk, James	Brodie of that Ilk, James	Brodie of that Ilk, James	Brodie of that Ilk, James
Elgin & Forres	Dunbar of Grange, Tho- mas	Dunbar of Grange, Tho- mas	Dunbar of Grange, Tho- mas		Dunbar of Grange, Tho- mas			Dunbar of Westfield, Alexander		Dunbar of Westfield, Alexander	

Fife	Anstruther of that Ilk, Wil- liam	Anstruther of that Ilk, Wil- liam	Anstruther of that Ilk, Wil- liam	Anstruther of that Ilk, Wil- liam	Anstruther of that Ilk, Wil- liam	Anstruther of that Ilk, Wil- liam	Anstruther of that Ilk, Sir William, Kt.	Anstruther of that Ilk, Sir William, Kt.	Anstruther of that Ilk, Sir William, Kt.	Anstruther of that Ilk, Sir William, Kt.	Anstruther of that Ilk, Sir William, Kt.
Fife	Dempster of Pitliver, John	Dempster of Pitliver, John	Dempster of Pitliver, John	Dempster of Pitliver, John	Dempster of Pitliver, Sir John, Kt.	Dempster of Pitliver, Sir John, Kt.	Dempster of Pitliver, Sir John, Kt.	Dempster of Pitliver, Sir John, Kt.	Dempster of Pitliver, Sir John, Kt.	Dempster of Pitliver, Sir John, Kt.	Dempster of Pitliver, Sir John, Kt.
Fife				Melville of Halhill, Mr. James	Melville of Halhill, Mr. James	Melville of Halhill, Mr. James	Melville of Halhill, Mr. James	Melville of Halhill, Mr. James	Melville of Halhill, Mr. James	Melville of Halhill, Mr. James	Melville of Halhill, Mr. James
Fife				Moncreiff of Reidie, George	Moncreiff of Reidie, George	Moncreiff of Reidie, George	Moncreiff of Reidie, George	Moncreiff of Reidie, George	Moncreiff of Reidie, George	Moncreiff of Reidie, George	Moncreiff of Reidie, George
Forfar	Erskine of Dun, David	Erskine of Dun, David	Erskine of Dun, David	Erskine of Dun, David	Erskine of Dun, David	Erskine of Dun, David	Erskine of Dun, David	Carnegie of Finavon, James	Carnegie of Finavon, James	Carnegie of Finavon, James	Carnegie of Finavon, James
Forfar	MacKenzie of Rosehaugh, Sir Geo., Kt.				Scott of Logie, James	Scott of Logie, James	Scott of Logie, James	Scott of Logie, James	Scott of Logie, James	Scott of Logie, James	Scott of Logie, James
Forfar					Fullarton of Kinnaber, John	Fullarton of Kinnaber, John	Fullarton of Kinnaber, John	Reid of Bal- dovie, Robert	Reid of Bal- dovie, Robert	Reid of Bal- dovie, Robert	Reid of Bal- dovie, Robert
Forfar					Milne of Bal- wylo, James	Milne of Bal- wylo, James	Milne of Bal- wylo, James	Scott of Logie, James, yr.	Scott of Logie, James, yr.	Scott of Logie, James, yr.	Scott of Logie, James, yr.
Haddington	Cockburn of Ormiston, Adam	Cockburn of Ormiston, Adam	Cockburn of Ormiston, Adam	Cockburn of Ormiston, Adam	Hepburn of Beinstoun, William	Hepburn of Beinstoun, William	Hepburn of Beinstoun, William	Hepburn of Beinstoun, William	Hepburn of Beinstoun, William	Hepburn of Beinstoun, William	Hepburn of Beinstoun, William

Haddington	Sinclair of Stevenson, Sir Robert, 3 rd Bt.	Sinclair of Stevenson, Sir Robert, 3 rd Bt.	Sinclair of Stevenson, Sir Robert, 3 rd Bt.	Sinclair of Stevenson, Sir Robert, 3 rd Bt.	Sinclair of Stevenson, Sir Robert, 3 rd Bt.	Sinclair of Stevenson, Sir Robert, 3 rd Bt.	Sinclair of Stevenson, Sir Robert, 3 rd Bt.	Sinclair of Stevenson, Sir Robert, 3 rd Bt.	Sinclair of Stevenson, Sir Robert, 3 rd Bt.	Sinclair of Stevenson, Sir Robert, 3 rd Bt.	Sinclair of Stevenson, Sir Robert, 3 rd Bt.
Haddington				Lauder of Fountainhall, Sir John, 2 Bt.	Lauder of Fountainhall, Sir John, 2 Bt.	Lauder of Fountainhall, Sir John, 2 Bt.	Lauder of Fountainhall, Sir John, 2 Bt.	Lauder of Fountainhall, Sir John, 2 Bt.	Lauder of Fountainhall, Sir John, 2 Bt.	Lauder of Fountainhall, Sir John, 2 Bt.	
Haddington				Morrison of Prestongrange, William	Morrison of Prestongrange, William	Morrison of Prestongrange, William	Morrison of Prestongrange, William	Morrison of Prestongrange, William	Morrison of Prestongrange, William	Morrison of Prestongrange, William	Morrison of Prestongrange, William
Inverness	Forbes of Culloden, Duncan	Forbes of Culloden, Duncan	Forbes of Culloden, Duncan	Forbes of Culloden, Duncan	Forbes of Culloden, Duncan	Forbes of Culloden, Duncan	Forbes of Culloden, Duncan	Forbes of Culloden, Duncan	Forbes of Culloden, Duncan	Forbes of Culloden, Duncan	Forbes of Culloden, Duncan
Inverness	Grant of thar Ilk, Ludovic		Grant of thar Ilk, Ludovic		Grant of thar Ilk, Ludovic	Grant of thar Ilk, Ludovic	Grant of thar Ilk, Ludovic	Grant of thar Ilk, Ludovic	Grant of thar Ilk, Ludovic	Grant of thar Ilk, Ludovic	Grant of thar Ilk, Ludovic
Kincardine	Arbuthnott of Knox, Alex- ander	Arbuthnott of Knox, Alex- ander	Arbuthnott of Knox, Alex- ander		Arbuthnott of Knox, Alex- ander	Arbuthnott of Knox, Alex- ander	Arbuthnott of Knox, Alex- ander	Arbuthnott of Knox, Alex- ander	Arbuthnott of Knox, Alex- ander	Arbuthnott of Knox, Alex- ander	Arbuthnott of Knox, Alex- ander
Kincardine	Burnet of Leys, Sir Thos., 3 rd Bt.	Burnet of Leys, Sir Thos., 3 rd Bt.	Burnet of Leys, Sir Thos., 3 rd Bt.	Burnet of Leys, Sir Thos., 3 rd Bt.	Burnet of Leys, Sir Thos., 3 rd Bt.	Burnet of Leys, Sir Thos., 3 rd Bt.	Burnet of Leys, Sir Thos., 3 rd Bt.	Burnet of Leys, Sir Thos., 3 rd Bt.	Burnet of Leys, Sir Thos., 3 rd Bt.	Burnet of Leys, Sir Thos., 3 rd Bt.	Burnet of Leys, Sir Thos., 3 rd Bt.
Kinross	Arnot of that Ilk, Sir David, 2 nd Bt.		Arnot of that Ilk, Sir David, 2 nd Bt.		Arnot of that Ilk, Sir David, 2 nd Bt.					Arnot of that Ilk, Sir David, 2 nd Bt.	Arnot of that Ilk, Sir David, 2 nd Bt.
Kirkcudbright	McGuffock of Rusco, Hugh	McGuffock of Rusco, Hugh	McGuffock of Rusco, Hugh		McGuffock of Rusco, Hugh		McGuffock of Rusco, Hugh	McGuffock of Rusco, Hugh	McGuffock of Rusco, Hugh	McGuffock of Rusco, Hugh	

Kirkcudbright				Gordon of Craig, Lt.-Col. William	Dunbar of Machriemore, Patrick	Dunbar of Machriemore, Patrick	Dunbar of Machriemore, Patrick	Dunbar of Machriemore, Patrick	Dunbar of Machriemore, Patrick	Dunbar of Machriemore, Patrick	Dunbar of Machriemore, Patrick
Lanark	Baillie of Lamington, William	Baillie of Lamington, William	Baillie of Lamington, William	Baillie of Lamington, William	Baillie of Lamington, William	Baillie of Lamington, William	Baillie of Lamington, William	Baillie of Lamington, William	Baillie of Lamington, William	Baillie of Lamington, William	Baillie of Lamington, William
Lanark	Carmichael of Mauldslie, Sir Daniel, Kt.	Carmichael of Mauldslie, Sir Daniel, Kt.			Lockhart of Castlehill, Sir John, Kt.	Lockhart of Lee, Richard	Stewart of Castlemilk, Sir Wim., 2 nd Bt.	Stewart of Castlemilk, Sir Wim., 2 nd Bt.	Stewart of Castlemilk, Sir Wim., 2 nd Bt.	Stewart of Castlemilk, Sir Wim., 2 nd Bt.	Stewart of Castlemilk, Sir Wim., 2 nd Bt.
Lanark				Denholm of Westshiels, William	Denholm of Westshiels, Sir Wm., 1 st Bt.	Denholm of Westshiels, Sir Wm., 1 st Bt.	Denholm of Westshiels, Sir Wm., 1 st Bt.	Denholm of Westshiels, Sir Wm., 1 st Bt.	Denholm of Westshiels, Sir Wm., 1 st Bt.	Denholm of Westshiels, Sir Wm., 1 st Bt.	Denholm of Westshiels, Sir Wm., 1 st Bt.
Lanark				Hamilton of Aikenhead, James	Hamilton of Aikenhead, James		Hamilton of Aikenhead, James	Hamilton of Aikenhead, James	Hamilton of Aikenhead, James	Hamilton of Aikenhead, James	Hamilton of Aikenhead, James
Linlithgow	Drummond of Riccarton, Thomas	Drummond of Riccarton, Thomas	Drummond of Riccarton, Thomas	Drummond of Riccarton, Thomas	Drummond of Riccarton, Thomas	Drummond of Riccarton, Thomas	Drummond of Riccarton, Thomas	Drummond of Riccarton, Thomas	Sharp of Houston, Thomas	Sharp of Houston, Thomas	Sharp of Houston, Thomas
Linlithgow	Murray of Livingstone, Patrick	Murray of Livingstone, Patrick	Murray of Livingstone, Patrick	Murray of Livingstone, Patrick	Murray of Livingstone, Patrick	Murray of Livingstone, Patrick	Murray of Livingstone, Patrick	Murray of Livingstone, Patrick	Murray of Livingstone, Patrick	Murray of Livingstone, Patrick	Murray of Livingstone, Patrick
Nairn	Campbell of Cawdor, Sir Hugh, Kt.	Campbell of Cawdor, Sir Hugh, Kt.			Campbell of Cawdor, Alexander, yr.	Campbell of Cawdor, Alexander, yr.				Rose of Kil- ravock, Hugh	
Nairn	Hay of Lochloy, John	Hay of Lochloy, John	Hay of Lochloy, John	Hay of Lochloy, John	Brodie of Aslisk, George	Brodie of Aslisk, George	Brodie of Aslisk, George	Brodie of Aslisk, George	Brodie of Aslisk, George	Brodie of Aslisk, George	

Orkney & Shetland	Craigie of Gairsay, William		Craigie of Gairsay, William				Craigie of Gairsay, Sir William, Kt.	Craigie of Gairsay, Sir William, Kt.	Craigie of Gairsay, Sir William, Kt.	Craigie of Gairsay, Sir William, Kt.	Craigie of Gairsay, Sir William, Kt.
Peebles	Murray of Blackbarony, Sir Ach., 3 Bt.	Murray of Blackbarony, Sir Ach., 3 Bt.	Murray of Blackbarony, Sir Ach., 3 Bt.	Murray of Blackbarony, Sir Ach., 3 Bt.	Murray of Blackbarony, Sir Ach., 3 Bt.	Murray of Blackbarony, Sir Ach., 3 Bt.	Murray of Blackbarony, Sir Ach., 3 Bt.	Murray of Blackbarony, Sir Ach., 3 Bt.	Murray of Blackbarony, Sir Alx., 4 Bt.	Murray of Blackbarony, Sir Alx., 4 Bt.	Murray of Blackbarony, Sir Alx., 4 Bt.
Peebles	Murray of Stanhope, David				Murray of Halmyre, Alexander	Murray of Halmyre, Alexander	Murray of Halmyre, Alexander	Murray of Halmyre, Alexander		Horseburgh of that Ilk, Alexander	Horseburgh of that Ilk, Alexander
Perth	Haldane of Gleneagles, John		Haldane of Gleneagles, John		Hay of Balhousie, Thomas	Hay of Balhousie, Thomas	Hay of Balhousie, Thomas	Craigie of Dumbarnie, Mr. James, yr.	Craigie of Dumbarnie, Mr. James, yr.	Craigie of Dumbarnie, Mr. James, yr.	Craigie of Dumbarnie, Mr. James, yr.
Perth	Ramsay of Bamff, James	Ramsay of Bamff, James	Ramsay of Bamff, James		Menzies of that Ilk, Sir Alex., 1 st Bt.	Hay of Strowie, Robert	Hay of Strowie, Robert	Hay of Strowie, Robert	Hay of Strowie, Robert	Hay of Strowie, Robert	Hay of Strowie, Robert
Perth				Campbell of Aberuchill, Sir Colin, 1 st Bt.	Campbell of Aberuchill, Sir Colin, 1 st Bt.	Campbell of Aberuchill, Sir Colin, 1 st Bt.	Campbell of Aberuchill, Sir Colin, 1 st Bt.	Campbell of Aberuchill, Sir Colin, 1 st Bt.	Campbell of Aberuchill, Sir Colin, 1 st Bt.	Campbell of Aberuchill, Sir Colin, 1 st Bt.	Campbell of Aberuchill, Sir Colin, 1 st Bt.
Perth				Drummond of Megginch, Adam	Drummond of Megginch, Adam	Drummond of Megginch, Adam	Drummond of Megginch, Adam	Drummond of Megginch, Adam	Drummond of Megginch, Adam	Drummond of Megginch, Adam	Drummond of Megginch, Adam
Renfrew	Cunningham of Craigends, William	Cunningham of Craigends, William	Cunningham of Craigends, William	Cunningham of Craigends, William	Cunningham of Craigends, William	Cunningham of Craigends, William			Pollock of that Ilk, Sir Robert, 1 st Bt.	Pollock of that Ilk, Sir Robert, 1 st Bt.	Pollock of that Ilk, Sir Robert, 1 st Bt.
Renfrew	Maxwell of Pollok, Sir John, 1 st Bt.	Maxwell of Pollok, Sir John, 1 st Bt.	Maxwell of Pollok, Sir John, 1 st Bt.	Maxwell of Pollok, Sir John, 1 st Bt.	Maxwell of Pollok, Sir John, 1 st Bt.	Maxwell of Pollok, Sir John, 1 st Bt.	Maxwell of Pollok, Sir John, 1 st Bt.	Maxwell of Pollok, Sir John, 1 st Bt.		Stewart of Blackhall, Mr. John, yr.	

Renfrew				Caldwell of that Ilk, John	Caldwell of that Ilk, John	Caldwell of that Ilk, John	Caldwell of that Ilk, John	Caldwell of that Ilk, John		Porterfield of that Ilk, Alex- ander	Porterfield of that Ilk, Alex- ander
Ross		Munro of Foulis, Sir John, 4 th Bt.	Munro of Foulis, Sir John, 4 th Bt.	Munro of Foulis, Sir John, 4 th Bt.	Munro of Foulis, Sir John, 4 th Bt.	Munro of Foulis, Sir John, 4 th Bt.		Munro of Foulis, Sir Robert, 5 th Bt.			
Ross			Munro of Culcairn, Sir Geo., Kt.		Mackenzie of Coull, Sir Alex., 2 nd Bt.	Mackenzie of Coull, Sir Alex., 2 nd Bt.				Mackenzie of Coull, Sir Alex., 2 nd Bt.	
Roxburgh	Elliott of Stobs, Sir William, 2 nd Bt.				Bennet of Grubbet, Capt. William	Bennet of Grubbet, Capt. William	Bennet of Grubbet, Capt. William	Bennet of Grubbet, Capt. William	Bennet of Grubbet, Capt. William	Bennet of Grubbet, Capt. William	Bennet of Grubbet, Capt. William
Roxburgh	Scott of Lang- newton, Sir Patrick, 2 nd Bt.	Scott of Lang- newton, Sir Patrick, 2 nd Bt.	Scott of Lang- newton, Sir Patrick, 2 nd Bt.		Scott of Wool, John	Scott of Wool, John	Scott of Wool, John	Scott of Wool, John	Scott of Wool, John	Scott of Wool, John	Scott of Wool, John
Roxburgh				Riddell of that Ilk, Sir John, 3 rd Bt.	Riddell of that Ilk, Sir John, 3 rd Bt.	Riddell of that Ilk, Sir John, 3 rd Bt.	Riddell of that Ilk, Sir John, 3 rd Bt.	Riddell of that Ilk, Sir John, 3 rd Bt.	Douglas of Cavers, Archibald	Douglas of Cavers, Archibald	Douglas of Cavers, Archibald
Roxburgh					Douglas of Cavers, Sir William, Kt.		Douglas of Cavers, Sir William, Kt.	Scott of Gala, Sir James, Kt.	Scott of Gala, Sir James, Kt.	Scott of Gala, Sir James, Kt.	Scott of Gala, Sir James, Kt.
Selkirk	Pringle of Torwoodlee, George	Pringle of Torwoodlee, George			Scott of Thir- lestane, Sir Francis, 1 st Bt.	Scott of Thir- lestane, Sir Francis, 1 st Bt.	Scott of Thir- lestane, Sir Francis, 1 st Bt.	Scott of Thir- lestane, Sir Francis, 1 st Bt.	Scott of Thir- lestane, Sir Francis, 1 st Bt.	Scott of Thir- lestane, Sir Francis, 1 st Bt.	Scott of Thir- lestane, Sir Francis, 1 st Bt.
Selkirk	Scott of Harden, Sir William, Kt.	Scott of Harden, Sir William, Kt.	Scott of Harden, Sir William, Kt.		Pringle of Torwoodlee, James	Pringle of Torwoodlee, James	Pringle of Torwoodlee, James	Pringle of Torwoodlee, James	Pringle of Torwoodlee, James	Pringle of Torwoodlee, James	Pringle of Torwoodlee, James

Stirling	Erskine of Alva, Sir Charles, 1 st Bt.	Erskine of Alva, Sir Charles, 1 st Bt.	Munro of Bearcrofts, Alexander	Munro of Bearcrofts, Alexander	Munro of Bearcrofts, Alexander	Munro of Bearcrofts, Alexander	Munro of Bearcrofts, Sir Alexander, Kt.	Munro of Bearcrofts, Sir Alexander, Kt.	Munro of Bearcrofts, Sir Alexander, Kt.	Munro of Bearcrofts, Sir Alexander, Kt.	Munro of Bearcrofts, Sir Alexander, Kt.
Stirling	Houston of that Ilk, John	Houston of that Ilk, John	Houston of that Ilk, John	Houston of that Ilk, John	Houston of that Ilk, John	Houston of that Ilk, John	Houston of that Ilk, Sir John, 2 nd Bt.	Houston of that Ilk, Sir John, 2 nd Bt.	Houston of that Ilk, Sir John, 2 nd Bt.	Houston of that Ilk, Sir John, 2 nd Bt.	Houston of that Ilk, Sir John, 2 nd Bt.
Stirling				Napier of Culcreuch, Alexander	Napier of Culcreuch, Alexander					Shaw of Greenock, Sir John, 2 nd Bt.	Livingstone of Kilsyth, Mr. William
Sutherland	Gordon of Dalfolly, Adam	Gordon of Dalfolly, Adam	Gordon of Dalfolly, Adam		Gordon of Dalfolly, Adam	Gordon of Dalfolly, Adam	Gordon of Dalfolly, Adam	Gordon of Dalfolly, Adam	Gordon of Dalfolly, Adam	Gordon of Dalfolly, Adam	
Sutherland	Gordon of Embo, John, yr.		Gordon of Embo, John, yr.						Gordon of Gartley, Alex- ander	Gordon of Gartley, Alex- ander	
Wigtown	Agnew of Lochnaw, Sir And., 3 rd Bt.	Agnew of Lochnaw, Sir And., 3 rd Bt.	Agnew of Lochnaw, Sir And., 3 rd Bt.		Agnew of Lochnaw, Sir And., 3 rd Bt.	Agnew of Lochnaw, Sir And., 3 rd Bt.	Agnew of Lochnaw, Sir And., 3 rd Bt.	Agnew of Lochnaw, Sir And., 3 rd Bt.	Agnew of Lochnaw, Sir And., 3 rd Bt.		Stewart of Sorbie, Lt.- Col. John
Wigtown	McDowall of Garthland, William	McDowall of Garthland, William	McDowall of Garthland, William		McDowall of Garthland, William	McDowall of Garthland, William	McDowall of Garthland, William	McDowall of Garthland, William	McDowall of Garthland, William	Stewart of Castlestewart, Mr. William	Stewart of Castlestewart, Mr. William

Appendix 4 – Burgh Representation 1689 – 1702

Burgh	Convention 14 March 89	First Sess. 5 June 89	Second Sess. 15 April 89	Third Sess. 3 Sept. 90	Fourth Sess. 18 April 93	Fifth Sess. 9 May 95	Sixth Sess. 8 Sept. 96	Seventh Sess. 19 July 98	Eighth Sess. 21 May 00	Ninth Sess. 29 Oct. 00	1702 Sess. 9 June 02
Aberdeen	Gordon, Alexander	Gordon, Alexander	Gordon, Alexander		Cochrane of Dumbreck, Mr. Walter	Cruikshank of Banchory, Robt.	Cruikshank of Banchory, Robt.	Cruikshank of Banchory, Robt.	Cruikshank of Banchory, Robt.	Cruikshank of Banchory, Robt.	Cruikshank of Banchory, Robt.
Annan	Blair, Bryce	Blair, Bryce	Blair, Bryce		Blair, Bryce	Blair, Bryce		Johnstone of Sciennes, Mr. William	Johnstone of Sciennes, Mr. William	Johnstone of Sciennes, Mr. William	Johnstone of Sciennes, Mr. William
Anstruther Easter	Spence, David	Spence, David					Murray of Dollerie, Mr. Patrick	Murray of Dollerie, Mr. Patrick	Murray of Dollerie, Mr. Patrick	Murray of Dollerie, Mr. Patrick	Murray of Dollerie, Mr. Patrick
Anstruther Wester	Clelland of Hillhouse, Mr. Robt.	Clelland of Hillhouse, Mr. Robt.	Clelland of Hillhouse, Mr. Robt.	Clelland of Hillhouse, Mr. Robt.	Clelland of Hillhouse, Mr. Robt.	Clelland of Hillhouse, Mr. Robt.	Clelland of Hillhouse, Mr. Robt.	Clelland of Hillhouse, Mr. Robt.	Clelland of Hillhouse, Mr. Robt.	Clelland of Hillhouse, Mr. Robt.	Clelland of Hillhouse, Mr. Robt.
Arbroath	Steven, Patrick	Steven, Patrick	Steven, Patrick		Steven, Patrick	Steven, Patrick	Steven, Patrick	Steven, Patrick	Steven, Patrick	Steven, Patrick	Steven, Patrick
Ayr	Muir, John	Muir, John	Muir, John		Muir, John	Muir, John	Muir, John	Muir, John	Muir, John	Muir, John	Muir, John
Banff	Stewart, Walter	Stewart, Walter	Stewart, Walter		Stewart, Walter	Stewart, Walter	Stewart, Walter	Stewart, Walter	Stewart, Walter	Stewart, Walter	Ogilvie of Forglen, Sir Alex., 1 st Bt.
Brechin	Maule of Kellie, Mr. Henry				Mollison, Francis	Mollison, Francis	Mollison, Francis	Mollison, Francis	Mollison, Francis	Mollison, Francis	Mollison, Francis

Burntisland	Ged. Alex.	Ged. Alex.	Ged. Alex.		Ged. Alex.	Ged. Alex.	Ged. Alex.	Ged. Alex.	Ged. Alex.	Ged. Alex.	Ged. Alex.
Campbeltown										Campbell, Mr. Charles	Campbell, Mr. Charles
Crail	Moncrieff of Sauchope, Geo.	Moncrieff of Sauchope, Geo.	Moncrieff of Sauchope, Geo.		Moncrieff of Sauchope, Geo.	Moncrieff of Sauchope, Geo.	Moncrieff of Sauchope, Geo.	Moncrieff of Sauchope, Geo.	Moncrieff of Sauchope, Geo.	Moncrieff of Sauchope, Geo.	Moncrieff of Sauchope, Geo.
Cullen	Ogilvie, Sir Jas., Kt.	Ogilvie, Sir Jas., Kt.	Ogilvie, Sir Jas., Kt.		Ogilvie, Sir Jas., Kt.	Ogilvie, Sir Jas., Kt.	Hamilton of Halcraft, Sir John, Kt.	Hamilton of Halcraft, Sir John, Kt.	Hamilton of Halcraft, Sir John, Kt.	Hamilton of Halcraft, Sir John, Kt.	Hamilton of Halcraft, Sir John, Kt.
Culross	Erskine of Torry, Wil- liam	Erskine of Torry, Wil- liam	Erskine of Torry, Wil- liam	Erskine of Torry, Wil- liam	Erskine of Torry, Wil- liam	Erskine of Torry, Wil- liam	Erskine of Torry, Wil- liam	Dalrymple of Hailes, Mr. David	Dalrymple of Hailes, Mr. David	Dalrymple of Hailes, Mr. David	Dalrymple of Hailes, Sir David, 1 st Bt.
Cupar	Melville of Carskerdo, Robt.	Melville of Carskerdo, Robt.	Melville of Carskerdo, Robt.		Muir of Thornton, Sir Arch., Kt.	Muir of Thornton, Sir Arch., Kt.	Muir of Thornton, Sir Arch., Kt.	Muir of Thornton, Sir Arch., Kt.	Muir of Thornton, Sir Arch., Kt.	Muir of Thornton, Sir Arch., Kt.	Muir of Thornton, Sir Arch., Kt.
Dingwall	Mackenzie, Kenneth				Mackenzie, Kenneth			Stewart, Mr. Robert	Stewart, Mr. Robert	Stewart, Mr. Robert	Stewart, Mr. Robert
Dornoch	Gordon, Capt. George	Gordon, Capt. George	Gordon, Capt. George		Anderson of Westerton, John	Anderson of Westerton, John	Anderson of Westerton, John	Anderson of Westerton, John		Anderson of Westerton, John	Anderson of Westerton, John
Dumbarton	Smollett of Stainflett, Sir Jas., Kt.	Smollett of Stainflett, Sir Jas., Kt.	Smollett of Stainflett, Sir Jas., Kt.		Smollett of Stainflett, Sir Jas., Kt.	Smollett of Stainflett, Sir Jas., Kt.	Smollett of Stainflett, Sir Jas., Kt.	Smollett of Stainflett, Sir Jas., Kt.	Smollett of Stainflett, Sir Jas., Kt.	Smollett of Stainflett, Sir Jas., Kt.	Smollett of Stainflett, Sir Jas., Kt.

Dumfries	Kennan, James	Kennan, James	Kennan, James		Kennan, James	Johnstone of Kelton, Robt.	Johnstone of Kelton, Robt.	Johnstone of Kelton, Robt.	Johnstone of Kelton, Robt.	Johnstone of Kelton, Robt.	Johnstone of Kelton, Robt.
Dunbar	Smith, James	Smith, James	Smith, James		Fall, Robert	Fall, Robert	Fall, Robert	Fall, Robert	Fall, Robert	Fall, Robert	Fall, Robert
Dundee	Fletcher, James	Fletcher, James	Fletcher, James		Fletcher, James	Fletcher, James	Fletcher, James	Fletcher, James	Fletcher, James	Fletcher, James	Scrymgeour of Kirkton, John
Dunfermline	Halkett of Pitfirrane, Sir Chas., 1 st Bt.	Halkett of Pitfirrane, Sir Chas., 1 st Bt.	Halkett of Pitfirrane, Sir Chas., 1 st Bt.			Halkett of Pitfirrane, Sir Chas., 1 st Bt.		Aikenhead, Sir Patrick, Kt.	Hamilton of Bangour, Mr. James	Hamilton of Bangour, Mr. James	Hamilton of Bangour, Mr. James
Dysart	Christie of Balsillie, David	Christie of Balsillie, David	Christie of Balsillie, David			Swinton, Alexander	Swinton, Alexander	Swinton, Alexander	Swinton, Alexander	Swinton, Alexander	Swinton, Alexander
Edinburgh	Hall of Dun- glass, Sir John, 1 st Bt.	Hall of Dun- glass, Sir John, 1 st Bt.	Hall of Dun- glass, Sir John, 1 st Bt.	Hall of Dun- glass, Sir John, 1 st Bt.	Hall of Dun- glass, Sir John, 1 st Bt.	Hall of Dun- glass, Sir John, 1 st Bt.	Cheislle of Bonnington, Sir Robt., Kt.	Cheislle of Bonnington, Sir Robt., Kt.	Cheislle of Bonnington, Sir Robt., Kt.	Cheislle of Bonnington, Sir Robt., Kt.	Cheislle of Bonnington, Sir Robt., Kt.
Edinburgh	Stirling, George	Stirling, George	Stirling, George	Stirling, George	Stirling, George	Thomson, Alexander	Thomson, Alexander	Thomson, Alexander	Thomson, Alexander	Thomson, Alexander	Thomson, Alexander
Elgin	Stewart, James	Stewart, James	Stewart, James		Stewart, James		Stewart, James	Stewart, James	Stewart, James	Stewart, James	Stewart, James
Forfar	Carnegie, John	Carnegie, John	Carnegie, John		Carnegie, John	Carnegie, John		Lyon, Mr. John	Lyon, Mr. John	Lyon, Mr. John	Lyon, Mr. John

Forres	Tulloch of Tannachie, Thos.				Brodie of Whitewreath, Wm.	Brodie of Whitewreath, Wm.	Brodie of Whitewreath, Wm.	Brodie of Whitewreath, Wm.	Brodie of Whitewreath, Wm.	Brodie of Whitewreath, Wm.	Brodie of Whitewreath, Wm.
Fortrose	Innes, Robert				Simpson, Daniel	Simpson, Daniel	Simpson, Daniel	Simpson, Daniel	Simpson, Daniel	Simpson, Daniel	Simpson, Daniel
Glasgow	Anderson of Dowhill, John	Anderson of Dowhill, John	Anderson of Dowhill, John		Anderson of Dowhill, John	Anderson of Dowhill, John	Anderson of Dowhill, John	Anderson of Dowhill, John	Anderson of Dowhill, John	Anderson of Dowhill, John	Anderson of Dowhill, John
Haddington	Sleigh, John		Lauder, Mr. James		Lauder, Mr. James	Lauder, Mr. James	Edgar, Alex- ander	Edgar, Alex- ander	Edgar, Alex- ander	Edgar, Alex- ander	Edgar, Alex- ander
Inveraray	Brown, Hugh	Brown, Hugh	Brown, Hugh		Brown, Hugh	Brown, Hugh	Brown, Hugh	Brown, Hugh	Brown, Hugh	Brown, Hugh	Brown, Hugh
Inverbervie	Beattie, Wil- liam	Beattie, Wil- liam	Beattie, Wil- liam		Beattie, Wil- liam		Beattie, Wil- liam	Beattie, Wil- liam	Beattie, Wil- liam	Beattie, Wil- liam	Beattie, Wil- liam
Inverkeithing	Spittal of Leuchat, Al- exander	Spittal of Leuchat, Al- exander	Spittal of Leuchat, Al- exander	Spittal of Leuchat, Al- exander		Spittal of Leuchat, Al- exander	Spittal of Leuchat, James	Spittal of Leuchat, James		Spittal of Leuchat, James	
Inverness	Cuthbert of Drakies, John	Cuthbert of Drakies, John	Cuthbert of Drakies, John		Cuthbert of Drakies, John	Cuthbert of Drakies, John		Cuthbert of Drakies, John	Cuthbert of Drakies, John	Cuthbert of Drakies, John	Cuthbert of Drakies, John
Inverurie	Anderson, John	Anderson, John			Forbes of Learney, Mr. Robert	Forbes of Learney, Mr. Robert	Forbes of Learney, Mr. Robert	Forbes of Learney, Mr. Robert	Forbes of Learney, Mr. Robert	Forbes of Learney, Mr. Robert	Forbes of Learney, Sir Robt., Kt.

Irvine	Cunningham of Collellan, Mr. Alex.	Cunningham of Collellan, Mr. Alex.	Cunningham of Collellan, Mr. Alex.	Cunningham of Collellan, Mr. Alex.	Cunningham of Collellan, Mr. Alex.	Cunningham of Collellan, Mr. Alex.	Cunningham of Collellan, Mr. Alex.	Cunningham of Collellan, Mr. Alex.	Cunningham of Collellan, Mr. Alex.	Cunningham of Collellan, Mr. Alex.	Cunningham of Collellan, Mr. Alex.
Jedburgh	Ainslie, Adam	Ainslie, Adam	Ainslie, Adam		Ainslie, Adam	Ainslie, Adam	Ainslie, Adam	Ainslie, Adam	Ainslie, Adam	Scott, Walter	Scott, Walter
Kilrenny	Bethune, George				Stevenson, Alexander	Stevenson, Alexander			Stevenson, Alexander	Stevenson, Alexander	
Kinghorn	Wallace, Patrick	Wallace, Patrick	Wallace, Patrick	Wallace, Patrick	Wallace, Patrick	Wallace, Patrick		Wallace, Patrick	Wallace, Pat- rick	Wallace, Pat- rick	Wallace, Pat- rick
Kintore	Wallace of Ingliston, Hugh		Wallace of Ingliston, Hugh		Scougal of Whitehill, Sir Jas., Kt.	Scougal of Whitehill, Sir Jas., Kt.	Scougal of Whitehill, Sir Jas., Kt.	Scougal of Whitehill, Sir Jas., Kt.	Scougal of Whitehill, Sir Jas., Kt.	Scougal of Whitehill, Sir Jas., Kt.	Scougal of Whitehill, Sir Jas., Kt.
Kirkcaldy	Boswell, John	Boswell, John	Boswell, John		Boswell, John	Boswell, John		Boswell, John	Boswell, John	Boswell, John	Boswell, John
Kirkcudbright	Ewart of Mul- loch, John	Ewart of Mulloch, John	Ewart of Mulloch, John		Ewart of Mul- loch, John	Ewart of Mul- loch, John			Home of Kimmerghame, Sir And., Kt.	Home of Kimmerghame, Sir And., Kt.	Home of Kimmerghame, Sir And., Kt.
Kirkwall	Traill of Quendale, George				Traill of Quendale, George			Home of Castlemains, Sir Alex., Kt.	Home of Cas- tlemains, Sir Alex., Kt.	Home of Cas- tlemains, Sir Alex., Kt.	Home of Cas- tlemains, Sir Alex., Kt.
Lanark	Hamilton, Thomas,	Hamilton, Thomas,	Hamilton, Thomas,		Hamilton, Thomas,	Hamilton, Thomas,	Hamilton, Thomas,	Hamilton, Thomas,	Hamilton, Thomas,	Hamilton, Thomas,	Hamilton, Thomas,

Lauder	Maitland of Soutra, David		Maitland of Soutra, David		Maitland of Soutra, David	Maitland of Soutra, David	Maitland of Soutra, David	Maitland of Soutra, David	Maitland of Soutra, David	Maitland of Soutra, David	Maitland of Soutra, David
Linlithgow	Higgins, William	Higgins, William	Higgins, William		Higgins, William	Higgins, William	Higgins, William		Stewart of Pardovan, Walter	Stewart of Pardovan, Walter	Stewart of Pardovan, Walter
Lochmaben	Kennedy of Halleaths, Thos.	Kennedy of Halleaths, Thos.	Kennedy of Halleaths, Thos.			Menzies of Gladstains, Sir Wm., Kt.	Menzies of Gladstains, Sir Wm., Kt.	Menzies of Gladstains, Sir Wm., Kt.	Menzies of Gladstains, Sir Wm., Kt.	Menzies of Gladstains, Sir Wm., Kt.	Menzies of Gladstains, Sir Wm., Kt.
Montrose	Mudie, James	Mudie, James	Mudie, James		Mudie, James	Mudie, James	Mudie, James	Mudie, James	Mudie, James	Mudie, James	Mudie, James
Nairn	Rose of Newck, John	Rose of Newck, John	Rose of Newck, John	Rose of Newck, John	Rose of Newck, John	Rose of Newck, John	Rose of Newck, John	Rose of Newck, John		Rose of Newck, John	Rose of Newck, John
New Galloway	Gordon of Craichlaw, James		Gordon of Craichlaw, James	Dalrymple of N. Berwick, Mr Hew	Dalrymple of N. Berwick, Mr Hew	Dalrymple of N. Berwick, Mr Hew	Dalrymple of N. Berwick, Mr Hew	Dalrymple of N. Berwick, Sir Hew, 1 st Bt.	Dalrymple of N. Berwick, Sir Hew, 1 st Bt.	Dalrymple of N. Berwick, Sir Hew, 1 st Bt.	Dalrymple of N. Berwick, Sir Hew, 1 st Bt.
North Berwick	Stewart of Coltness, Sir Thos., 1 st Bt.	Stewart of Coltness, Sir Thos., 1 st Bt.	Stewart of Coltness, Sir Thos., 1 st Bt.		Stewart of Coltness, Sir Thos., 1 st Bt.		Stewart of Coltness, Sir Thos., 1 st Bt.	Stewart of Allanbank, Sir Robt., 1 st Bt.	Stewart of Allanbank, Sir Robt., 1 st Bt.	Stewart of Allanbank, Sir Robt., 1 st Bt.	Stewart of Allanbank, Sir Robt., 1 st Bt.
Peebles	Muir, John	Muir, John	Muir, John	Muir, John	Muir, John	Muir, John	Muir, John	Muir, John	Muir, John	Muir, John	Muir, John
Perth	Smith, Robert	Smith, Robert	Smith, Robert	Smith, Robert	Smith, Robert	Smith, Robert	Smith, Robert	Smith, Robert	Smith, Robert	Smith, Robert	Smith, Robert

Pittenweem	Smith of Gibliston, George	Smith of Gibliston, George	Smith of Gibliston, George		Smith of Gibliston, George	Smith of Gibliston, George	Smith of Gibliston, George	Smith of Gibliston, George	Smith of Gibliston, George	Smith of Gibliston, George	Smith of Gibliston, George
Queensferry	Hamilton of Whitelaw, Mr. Wm.	Hamilton of Whitelaw, Mr. Wm.	Hamilton of Whitelaw, Sir Wm., Kt.	Hamilton of Whitelaw, Sir Wm., Kt.	Hamilton of Whitelaw, Sir Wm., Kt.	Hamilton of Whitelaw, Sir Wm., Kt.	Hamilton of Whitelaw, Sir Wm., Kt.	Hamilton of Whitelaw, Sir Wm., Kt.	Hamilton of Whitelaw, Sir Wm., Kt.	Hamilton of Whitelaw, Sir Wm., Kt.	
Renfrew	Cochrane of Kilmaronock, Mr. Wm.	Cochrane of Kilmaronock, Mr. Wm.	Cochrane of Kilmaronock, Mr. Wm.		Cochrane of Kilmaronock, Mr. Wm.	Cochrane of Kilmaronock, Mr. Wm.		Houston, Patrick			Campbell of Burnbank, Mr. James
Rothsay	Stewart of Tillicoultie, Mr. Robt.				Stewart of Lochlie, Robert	Stewart of Lochlie, Robert	Stewart of Lochlie, Robert	Stewart of Lochlie, Robert	Stewart of Lochlie, Robert	Stewart of Lochlie, Robert	Stewart of Lochlie, Robert
Rutherglen	Scott, John	Scott, John	Scott, John		Scott, John	Scott, John	Scott, John	Scott, John	Scott, John	Scott, John	Scott, John
Sanquhar	Boswell, Mr. John	Boswell, Mr. John	Boswell, Mr. John		Bruce of Broomhall, Sir Alex., Kt.	Bruce of Broomhall, Sir Alex., Kt.	Bruce of Broomhall, Sir Alex., Kt.	Bruce of Broomhall, Sir Alex., Kt.	Bruce of Broomhall, Sir Alex., Kt.	Bruce of Broomhall, Sir Alex., Kt.	Alves, William
Selkirk	Murray of Bowhill, Mr. John	Murray of Bowhill, Mr. John	Murray of Bowhill, Mr. John	Murray of Bowhill, Mr. John	Murray of Bowhill, Mr. John	Murray of Bowhill, Mr. John	Murray of Bowhill, Mr. John	Murray of Bowhill, Mr. John	Murray of Bowhill, Mr. John	Murray of Bowhill, Mr. John	Murray of Bowhill, Mr. John
St. Andrews	Smith, James	Smith, James	Smith, James		Smith, James	Smith, James	Smith, James	Smith, James	Smith, James	Smith, James	Smith, James
Stirling	Kennedy of Schelloch, Hugh	Kennedy of Schelloch, Hugh	Kennedy of Schelloch, Hugh	Kennedy of Schelloch, Hugh	Dick, John	Dick, John	Thomson, Patrick	Napier of Craigannet, Mr. Francis	Napier of Craigannet, Mr. Francis	Napier of Craigannet, Mr. Francis	Napier of Craigannet, Mr. Francis

Stranraer	Dalrymple of Stair, Sir John, Kt.		Murray of Pitdunnes, Sir Pat., Kt.	Murray of Pitdunnes, Sir Pat., Kt.	Murray of Pitdunnes, Sir Pat., Kt.	Murray of Pitdunnes, Sir Pat., Kt.	Murray of Pitdunnes, Sir Pat., Kt.	Murray of Pitdunnes, Sir Pat., Kt.	Murray of Pitdunnes, Sir Pat., Kt.	Murray of Pitdunnes, Sir Pat., Kt.	
Tain	Ross of Easter Ferne, Wil- liam	Ross of Easter Ferne, Wil- liam	Ross of Easter Ferne, Wil- liam	Ross of Easter Ferne, Wil- liam	Ross of Easter Ferne, Wil- liam	Ross of Easter Ferne, Wil- liam		Ross of Easter Ferne, Wil- liam		Ross of Easter Ferne, Wil- liam	Ross of Easter Ferne, Wil- liam
Whithorn	Murdoch of Cumloden, Patrick	Murdoch of Cumloden, Patrick	Murdoch of Cumloden, Patrick		Murdoch of Cumloden, Patrick	Murdoch of Cumloden, Patrick			Murdoch of Cumloden, Patrick	Murdoch of Cumloden, Patrick	Murdoch of Cumloden, Patrick
Wick			Sinclair, Sir Archibald, Kt.	Sinclair, Sir Archibald, Kt.	Sinclair, Sir Archibald, Kt.	Sinclair, Sir Archibald, Kt.	Sinclair, Sir Archibald, Kt.	Sinclair, Sir Archibald, Kt.	Sinclair, Sir Archibald, Kt.	Sinclair, Sir Archibald, Kt.	Sinclair, Sir Archibald, Kt.
Wigtown	Coltrane of Drummorall, Wm.	Coltrane of Drummorall, Wm.	Coltrane of Drummorall, Wm.		Coltrane of Drummorall, Wm.		Coltrane of Drummorall, Wm.	Coltrane of Drummorall, Wm.	Coltrane of Drummorall, Wm.	Coltrane of Drummorall, Wm.	Coltrane of Drummorall, Wm.

Appendix 5.1 – Court and Country - Nobility 1700 – 1702

Shire	Name	Country Address 1700	Country Act 14 Jan. 1701	Court Address 16 Jan. 1701	Country Dissent 17 Jan. 1701	Country Forces 28 Jan. 1701	Country Forces 31 Jan. 1701	Rump Parliament 1702	Country Address 1702
Aberdeen	ABOYNE, Charles GORDON, second earl			×					
Dumfries	ANNANDALE, William JOHNSTONE, second earl			×				×	
Argyll	ARGYLL, Archibald CAMPBELL, tenth earl			×				×	
Perth	ATHOLL, John MURRAY, first marquis		×						
Ayr	BARGANY, William HAMILTON, third lord	×	×		×	×	×		
Haddington	BELHAVEN, John HAMILTON, second lord	×	×		×	×			×
Edinburgh	BELLENDEN, John, second lord			×				×	
Lanark	BLANTYRE, Alexander STEWART, fifth lord	×	×		×	×	×		×
Ayr	BOYLE, David, first lord			×				×	
Argyll	BREADALBANE, John CAMPBELL, first earl			×					
Perth	BUCHAN, David ERSKINE, first earl			×				×	
Fife	BURLEIGH, Robert BALFOUR, fourth lord	×						×	

Caithness	CAITHNESS, John SINCLAIR, eighth earl								×
Lanark	CARNWATH, John DALZELL, fifth earl			×					
Ayr	CASSILLIS, John KENNEDY, seventh earl	×		×					
Ayr	COLVILLE, John, fourth lord	×	×		×	×	×		×
Fife	CRAWFORD, John LINDSAY, nineteenth earl			×				×	
Edinburgh	DALHOUSIE, William RAMSAY, fifth earl			×				×	
Elgin & Forres	DUFFUS, James SUTHERLAND, second lord	×	×			×	×		×
Perth	DUPPLIN, Thomas HAY, first viscount			×					
Ayr	EGLINTON, Alexander MONTGOMERIE, eighth earl							×	
Haddington	ELIBANK, Alexander MURRAY, fourth lord	×	×			×			×
Haddington	ELPHINSTONE, John, eighth lord			×				×	
Aberdeen	ERROLL, John HAY, twelfth earl								×
Banff	FINDLATER, James OGILVIE, third earl			×				×	
Aberdeen	FORBES, William, thirteenth lord			×				×	

Lanark	FORFAR, Archibald DOUGLAS, first earl			x					
Edinburgh	FORRESTER, William, fourth lord	x	x			x			x
Aberdeen	FRASER, Charles, fourth lord			x				x	
Wigtown	GALLOWAY, James STEWART, fifth earl			x				x	
Ayr	GLENCAIRN, John CUNNINGHAM, tenth earl			x				x	
Haddington	HADDINGTON, Thomas HAMILTON, sixth earl								x
Lanark	HAMILTON, James, fourth duke	x	x		x	x	x		x
Roxburgh	JEDBURGH, William KER, third lord			x				x	
Fife	KELLIE, Alexander, fourth earl							x	
Perth	KINNAIRD, Patrick, third lord	x							x
Aberdeen	KINTORE, John KEITH, first earl			x				x	
Edinburgh	LAUDERDALE, John MAITLAND, fifth earl <i>General of the Mint</i>			x				x	
Fife	LEVEN, David MELVILLE, third earl			x				x	
Fife	LINDORES, John LESLIE, fourth lord	x	x						x

Edinburgh	LOTHIAN, Robert KER, fourth earl <i>Lord Justice General</i>			x				x	
Ayr	LOUDOUN, Hugh CAMPBELL, third earl			x				x	
Stirling	MAR, John ERSKINE, sixth earl			x				x	
Peebles	MARCH, William DOUGLAS, first earl			x				x	
Kincardine	MARISCHAL, William KEITH, ninth earl	x	x			x	x		x
Fife	MORTON, James DOUGLAS, tenth earl			x				x	
Forfar	NORTHEK, David CARNEGIE, fourth earl			x				x	
Forfar	PANMURE, James MAULE, fourth earl								
Aberdeen	PITSLIGO, Alexander FORBES, fourth lord		x		x	x			x
Peebles	PORTMORE, David COLYEAR, first lord			x					
Sutherland	REAY, George MACKAY, third lord			x				x	
Perth	ROLLO, Robert, fourth lord								x
Edinburgh	ROSEBERY, Archibald PRIMROSE, first viscount			x				x	
Lanark	ROSS, William, twelfth lord	x	x		x	x			x

Fife	ROTHES, John LESLIE, eighth earl		x			x	x		x
Linlithgow	RUGLEN, John HAMILTON, first earl	x	x		x	x	x		x
Perth	RUTHVEN, David, second lord								
Aberdeen	SALTOUN, William FRASER, second lord	x	x		x	x			x
Wigtown	STAIR, John DALRYMPLE, second viscount			x				x	
Perth	STRATHALLAN, William DRUMMOND, second viscount	x	x			x	x		x
Forfar	STRATHMORE, John LYON, fourth earl		x			x			x
Sutherland	SUTHERLAND, George, fourteenth earl	x							
Cromarty	TARBAT, George MACKENZIE, first viscount			x				x	
Perth	TULLIBARDINE, John MURRAY, first earl	x	x			x	x		x
Haddington	TWEEDDALE, John HAY, second marquis	x	x		x	x	x		x

Appendix 5.2 – Court and Country - Officers of State 1700 – 1702

Shire	Name	Country Address 1700	Country Act 14 Jan. 1701	Court Address 16 Jan. 1701	Country Dissent 17 Jan. 1701	Country Forces 28 Jan. 1701	Country Forces 31 Jan. 1701	Rump Parliament 1702	Country Address 1702
Lanark	CARMICHAEL, John, second lord <i>Lord Secretary</i>			×				×	
Haddington	COCKBURN of ORMISTON, Adam <i>Lord Treasurer Depute</i>			×				×	
Berwick	MARCHMONT, Patrick HOME, first earl <i>Lord High Chancellor</i>			×				×	
Renfrew	MAXWELL of POLLOK, Sir John, 1 st Bt. <i>Lord Justice Clerk</i>			×				×	
Fife	MELVILLE, George, first earl <i>Lord President of the Privy Council</i>			×				×	
Ayr	MONTGOMERIE, Alexander, lord <i>Lord High Treasurer</i>			×				×	
Dumfries	QUEENSBERRY, James DOUGLAS, second duke <i>Lord Privy Seal</i>							×	
Banff	SEAFIELD, James OGILVIE, first viscount <i>Lord Secretary</i>			×				×	
Lanark	SELKIRK, Charles DOUGLAS, second earl <i>Lord Clerk Register</i>								×
Haddington	STEWART of GOODTREES, Sir James, Kt. <i>Lord Advocate</i>			×				×	

Appendix 5.3 – Court and Country - Shire and Burgh Commissioners 1700 – 1702

Shire	Burgh	Name	Country Address 1700	Country Act 14 Jan. 1701	Court Address 16 Jan. 1701	Country Dissent 17 Jan. 1701	Country Forces 28 Jan. 1701	Country Forces 31 Jan. 1701	Rump Parliament 1702	Country Address 1702
Aberdeen		ELPHINSTONE of LOGIE, Sir James, 1 st Bt.			×				×	
Aberdeen		FORBES of CRAIGIEVAR, Sir John, 2 nd Bt.								
Aberdeen		FORBES of FOVERAN, Sir Samuel, 1 st Bt.		×		×	×	×		×
Aberdeen		MOIR of STONEYWOOD, James	×	×		×	×	×		
	Aberdeen	CRUICKSHANK of BANCHORY, Robert	×						×	
	Inverurie	FORBES of LEARNEY, Mr. Robert			×				×	
	Kintore	SCOUGAL of WHITEHILL, Sir James Kt.			×				×	
Argyll		CAMPBELL of ARDKINGLAS, Sir Colin, 1 st Bt.			×				×	
Argyll		CAMPBELL of CARRICK, Sir John, Kt.			×				×	
Argyll		CAMPBELL of MAMORE, Mr. John			×				×	
	Campbeltown	CAMPBELL, Mr. Charles			×				×	
	Inveraray	BROWN, Hugh			×				×	

Ayr		BUNTINE of KILBRIDE, Major Hugh			x				x	
Ayr		CAMPBELL of SHANKSTOUN, Mr. John			x				x	
Ayr		CRAWFORD of KILBIRNIE, John	x	x		x	x	x	x	
Ayr		MONTGOMERIE of GIFFEN, Mr. Francis			x				x	
	Ayr	MUIR, John			x				x	
	Irvine	CUNNINGHAM of COLLELLAN and CHIR- RIELAS, Mr. Alex.			x				x	
Banff		ABERCROMBY of BIRKENBOG, Sir James, 2 nd Bt.	x		x				x	
Banff		DUFF of BRACO, Alexander	x	x		x	x	x	x	
	Banff	OGILVIE of FORGLEN, Sir Alexander, 1 st Bt.							x	
	Banff	STEWART, Walter			x					
	Cullen	HAMILTON of HALCRAIG, Sir John, Kt.							x	
Berwick		BAILLIE of JERVISWOOD, George	x	x		x	x	x		x
Berwick		COCKBURN of LANGTON, Sir Arch., 2 nd Bt.								
Berwick		HOME of BLACKADDER, Sir John, 2 nd Bt.	x	x		x	x	x		x

Berwick		SWINTON of that Ilk, Sir John, Kt.	x		x				x	
	Lauder	MAITLAND of SOUTRA, David			x				x	
Bute		STEWART of AMBRIMORE, Mr. William			x				x	
	Rothsay	STEWART of LOCHLIE, Robert	x	x			x	x		x
Caithness		MURRAY of PENNYLAND, Mr. Patrick	x	x		x	x			
	Wick	SINCLAIR, Sir Archibald, Kt.			x					x
Clackmannan		ERSKINE of ALVA, Sir John, 3 rd Bt.	x	x		x	x	x		x
Cromarty		MACKENZIE of CROMARTY, Sir Kenneth, 1 st Bt.			x				x	
Cromarty		MACKENZIE of PRESTONHALL, Mr. Roderick		x		x				x
Dumfries		CRICHTON of CRAWFORDSTON, William			x					
Dumfries		JOHNSTON of ELSCHIESHIELDS, Alexander	x	x		x				
Dumfries		JOHNSTON of WESTERHALL, Sir John, 1 st Bt.			x				x	
Dumfries		KIRKPATRICK of CLOSEBURN, Sir Thomas, 1 st Bt.	x	x		x	x	x		x
Dumfries		SHARP of HODDAM, John							x	

	Annan	JOHNSTON of SCIENNES, Mr. William			×				×	
	Dumfries	JOHNSTON of KELTON, Robert			×				×	
	Lochmaben	MENZIES of GLADSTAINS and ST. GER- MAINS, William			×				×	
	Sanquhar	ALVES, William							×	
	Sanquhar	BRUCE of BROOMHALL, Sir Alexander, Kt.			×					
Dumbarton		HALDANE of GLENEAGLES, John		×		×	×	×		×
Dumbarton		HAMILTON of BARNS, Claud			×				×	
	Dumbarton	SMOLLETT of STAINFLETT and BONHILL, Sir James, Kt.			×				×	
Edinburgh		CLERK of PENICUIK, Sir John, 1 st Bt.			×				×	
Edinburgh		CRAIG of RICCARTON, Robert	×	×			×			
Edinburgh		DUNDAS of ARNISTON, Sir Robert, Kt.		×			×	×		×
Edinburgh		GILMOUR of CRAIGMILLAR, Sir Alexander, 1 st Bt.	×	×		×	×	×		×
	Edinburgh	CHEISLIE of BONNINGTON, Sir Robert, Kt.	×							×
	Edinburgh	THOMSON, Alexander							×	

Elgin & Forres		BRODIE of that Ilk, James	x	x					x	x
Elgin & Forres		DUNBAR of WESTFIELD, Alexander								
	Elgin	STEWART, James	x							x
	Forres	BRODIE of WHITEWREATH, William	x						x	
Fife		ANSTRUTHER of that Ilk, Sir William, Kt.	x	x		x	x			x
Fife		DEMPSTER of PITLIVER, Sir John, Kt.			x				x	
Fife		MELVILLE of HALHILL, Mr. James			x				x	
Fife		MONCREIFF of REIDIE, George			x				x	
	Anstruther Easter	MURRAY of DOLLERIE, Mr. Patrick	x	x		x	x	x		x
	Anstruther Wester	CLELLAND of HILLHOUSE, Mr. Robert	x	x			x	x		x
	Burntisland	GED, Alexander	x	x		x	x	x		x
	Crail	MONCREIFF of SAUCHOPE, George		x		x				x
	Cupar	MUIR of THORNTON, Sir Archibald, Kt.			x				x	
	Dunfermline	HAMILTON of BANGOUR, Mr. James	x	x		x	x	x		x

	Dysart	SWINTON, Alexander			x				x	
	Inverkeithing	SPITTAL of LEUCHAT, James		x						
	Kilrenny	STEVENSON, Alexander	x	x						
	Kinghorn	WALLACE, Patrick		x					x	
	Kirkcaldy	BOSWELL, John					x		x	
	Pittenweem	SMITH of GIBLISTON, George	x	x		x	x			x
	St. Andrews	SMITH, James	x		x				x	
Forfar		CARNEGIE of PHINHAVEN, James	x	x		x	x	x		x
Forfar		REID of BALDOVIE, Robert			x				x	
Forfar		SCOTT of LOGIE, James	x						x	
Forfar		SCOTT of LOGIE, James younger	x		x				x	
	Arbroath	STEVEN, Patrick	x	x						x
	Brechin	MOLLISON, Francis	x	x		x	x	x		x
	Dundee	FLETCHER, James			x					

	Dundee	SCRYMGEOUR of KIRKTON, John							×	
	Forfar	LYON, Mr. John	×	×		×				×
	Montrose	MUDIE, James			×				×	
Haddington		HEPBURN of BEINSTOUN, William	×	×		×	×	×		×
Haddington		LAUDER of FOUNTAINHALL, Sir John, 2 nd Bt.	×	×		×	×	×		
Haddington		MORRISON of PRESTONGRANGE, William	×		×				×	
Haddington		SINCLAIR of STEVENSON, Sir Robert, 3 rd Bt.			×				×	
	Dunbar	FALL, Robert	×	×		×	×	×		×
	Haddington	EDGAR, Alexander	×	×		×	×	×		×
	North Berwick	STEWART of ALLANBANK, Sir Robert, 1 st Bt.			×				×	
Inverness		FORBES of CULLODEN, Duncan	×						×	
Inverness		GRANT of that Ilk and FREUCHIE, Ludovic	×	×		×	×	×		×
	Inverness	CUTHBERT of DRAKIES, John	×	×		×	×			×
Kincardine		ARBUTHNOTT of KNOX, Alexander	×		×				×	

Kincardine		BURNET of LEYS, Sir Thomas, 3 rd Bt.	x	x		x	x	x		x
	Inverbervie	BEATTIE, William	x							x
Kinross		ARNOT of that Ilk, Sir David, 2 nd Bt.					x			x
Kirkcud-bright		DUNBAR of MACHRIEMORE, Patrick			x				x	
Kirkcud-bright		MCGUFFOCK of RUSCO, Hugh								
	Kirkcud-bright	HOME of KIMMERGHAME, Sir Andrew, Kt.			x				x	
	New Galloway	DALRYMPLE of NORTH BERWICK, Sir Hugh, 1 st Bt.			x				x	
Lanark		BAILLIE of LAMINGTON, William	x	x			x	x		x
Lanark		DENHOLM of WESTSHIELS, Sir William, 1 st Bt.			x				x	
Lanark		HAMILTON of AIKENHEAD, James	x	x			x			x
Lanark		STEWART of CASTLEMILK, Sir William, 2 nd Bt.			x				x	
	Glasgow	ANDERSON of DOWHILL, John			x				x	
	Lanark	HAMILTON, Thomas			x				x	
	Rutherglen	SCOTT, John	x	x		x				x

Linlithgow		MURRAY of LIVINGSTONE, Patrick	x	x			x			x
Linlithgow		SHARP of HOUSTON, Thomas	x	x			x			x
	Linlithgow	STEWART of PARDOVAN, Walter	x						x	
	Queensferry	HAMILTON of WHITELAW, Sir William, Kt.	x	x		x				
Nairn		BRODIE of ASLISK, George	x							
Nairn		ROSE of KILRAVOCK, Hugh		x		x				
	Nairn	ROSE of NEWCK, John			x				x	
Orkney & Zetland		CRAIGIE of GAIRSAY, Sir William, Kt.	x	x		x	x			x
	Kirkwall	HOME of CASTLEMANS, Sir Alexander, Kt.							x	
Peebles		HORSBURGH of that Ilk, Alexander			x				x	
Peebles		MURRAY of BLACKBARONY, Sir Alexander, 4 th Bt.	x	x			x			x
	Peebles	MUIR, John	x		x				x	
Perth		CAMPBELL of ABERUCHILL, Sir Colin, 1 st Bt.			x				x	
Perth		CRAIGIE of DUMBARNIE, Mr. James, younger	x	x		x	x	x		x

Perth		DRUMMOND of MEGGINCH, Adam			x				x	
Perth		HAY of STROWIE, Robert		x		x	x			x
	Culross	DALRYMPLE of HAILES, Mr. David			x				x	
	Perth	SMITH, Robert	x	x		x	x	x		x
Renfrew		POLLOCK of that Ilk, Sir Robert, 1 st Bt.	x	x		x	x	x	x	
Renfrew		PORTERFIELD of that Ilk, Alexander							x	
Renfrew		STEWART of BLACKHALL, Mr. John, younger		x		x	x	x		
	Renfrew	CAMPBELL of BURNBANK and BOQUHAN, Mr. James			x				x	
Ross		MACKENZIE of COULL, Sir Alexander, 2 nd Bt.		x						
Ross		MUNRO of FOULIS, Sir Robert, 5 th Bt.								
	Dingwall	STEWART, Mr. Robert	x		x				x	
	Fortrose	SIMPSON, Daniel	x	x		x	x			x
	Tain	ROSS of EASTER FERNIE, William			x				x	
Roxburgh		BENNET of GRUBBET, Capt. William	x	x			x			x

Roxburgh		DOUGLAS of CAVERS, Archibald			x				x	
Roxburgh		SCOTT of GALA, Sir James, Kt.	x	x			x			x
Roxburgh		SCOTT of WOOLL, John	x		x				x	
	Jedburgh	SCOTT, Walter			x				x	
Selkirk		PRINGLE of TORWOODLEE, James	x	x			x			x
Selkirk		SCOTT of THIRLESTANE, Sir Francis, 1 st Bt.	x	x		x	x	x		x
	Selkirk	MURRAY of BOWHILL, Mr. John			x				x	
Stirling		HOUSTON of that Ilk, Sir John, 2 nd Bt.		x		x	x	x		x
Stirling		LIVINGSTONE of KILSYTH, Mr. William.								x
Stirling		MUNRO of BEARCROFTS, Sir Alexander, Kt.	x	x		x		x		x
Stirling		SHAW of GREENOCK, Sir John, 2 nd Bt.		x		x	x			
	Stirling	NAPIER of CRAIGANNET, Mr. Francis							x	
Sutherland		GORDON of CARROLL, Mr. John, younger		x						
Sutherland		GORDON of GARTLEY, Alexander	x	x		x	x			

	Dornoch	ANDERSON of WESTERTON, John			x				x	
Wigtown		AGNEW of LOCHNAW, Sir Andrew, 3 rd Bt.								
Wigtown		STEWART of CASTLESTEWART, Mr. William			x				x	
Wigtown		STEWART of SORBIE, Lt.-Col. John							x	
	Stranraer	MURRAY of PITDUNNES, Sir Patrick, Kt.	x	x						
	Whithorn	MURDOCH of CUMLODEN, Patrick			x				x	
	Wigtown	COLTRANE of DRUMMORALL, William			x				x	

Appendix 5.4 – Court and Country - Summary 1700 – 1702

		Country Address 1700	Country Act 14 Jan. 1701	Court Address 16 Jan. 1701	Country Dissent 17 Jan. 1701	Country Forces 28 Jan. 1701	Country Forces 31 Jan. 1701	Rump Parliament 1702	Country Address 1702
	NOBILITY	20	20	34	10	18	11	30	23
	OFFICERS OF STATE	-	-	8	-	-	-	9	1
	SHIRE COMMISSIONERS	41	43	32	30	37	23	39	31
	BURGH COMMISSIONERS	27	21	35	14	13	9	43	20
	TOTAL	88	84	109	54	68	43	121	75

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B	9	Burntisland Burgh Council Minutes
B	48	Linlithgow Burgh Council Minutes
GD	16	Airlie Muniments
GD	26	Leven and Melville Muniments
GD	40	Lothian Muniments
GD	44	Gordon Castle Muniments
GD	45	Dalhousie Muniments
GD	72	Hay of Park Papers
GD	112	Breadalbane Muniments
GD	123	Erskine of Dun Muniments
GD	124	Mar and Kellie Muniments
GD	158	Hume of Marchmont Muniments
GD	224	Buccleuch Muniments
GD	406	Hamilton Muniments
PA	2	Parliamentary Registers
PA	3	Minutes of Parliament
PA	7	Supplementary Parliamentary Papers

PA	10	Commissions for Visiting Schools and Universities
PC	1	Privy Council Registers
PC	12	Privy Council Papers
PC	15	Supplementary Privy Council Papers

National Library of Scotland

MS	6406	Pitfirrane Papers
MS	7026	Yester Papers

University of St. Andrews Library (Special Collections)

B	3	Anstruther Easter Council Minutes
B	13	Cupar Burgh Council Minutes
B	3	Kilrenny Burgh Council Minutes
B	60	Pittenweem Burgh Council Minutes
B	65	St. Andrews Burgh Council Minutes

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